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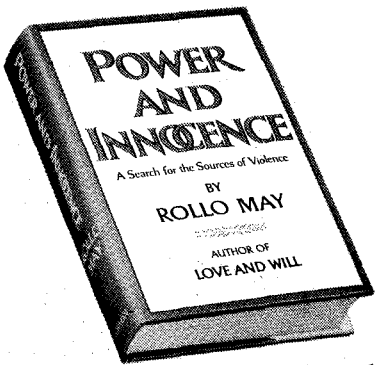

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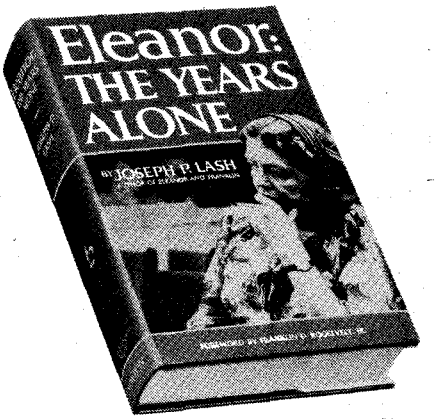

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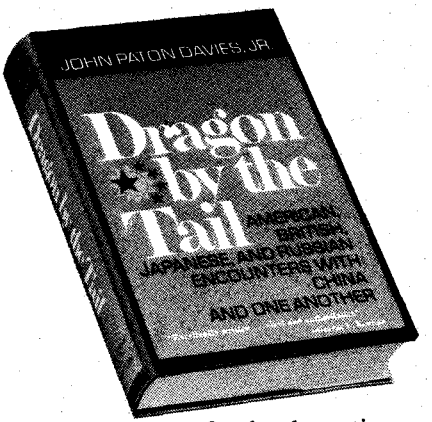

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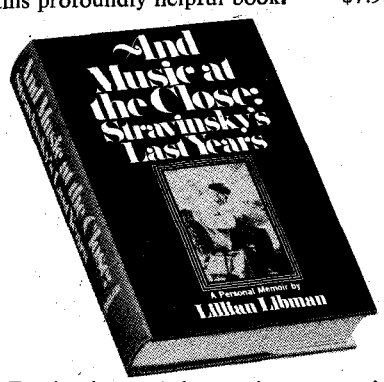

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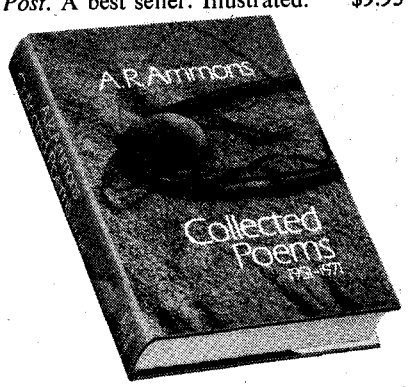

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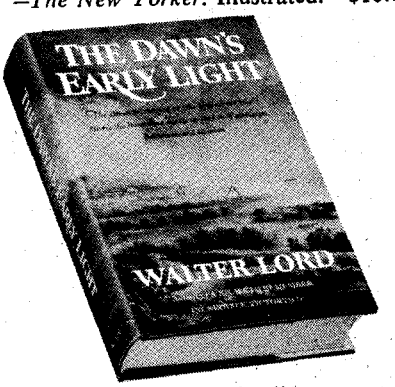

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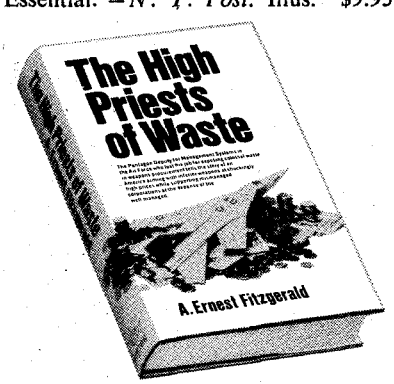

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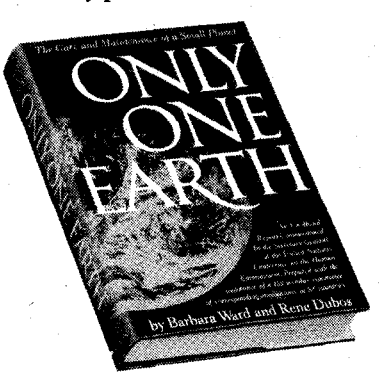

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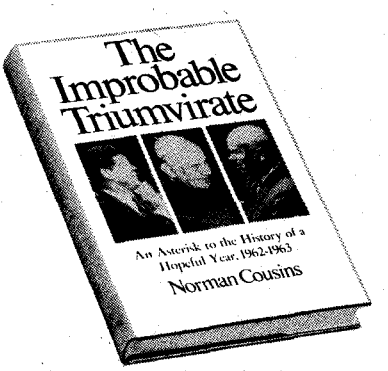

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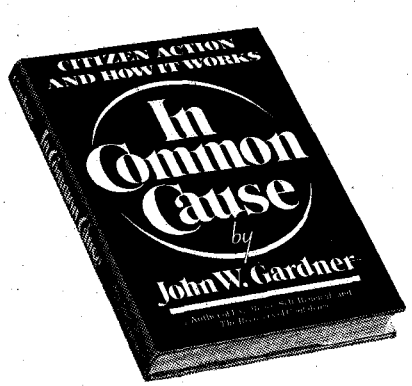

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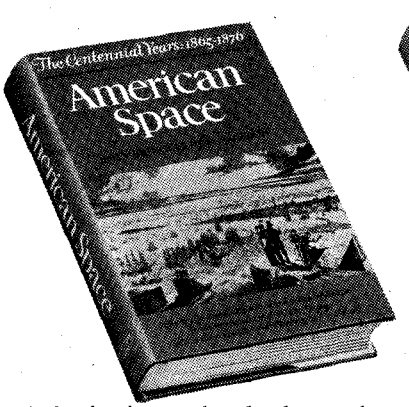

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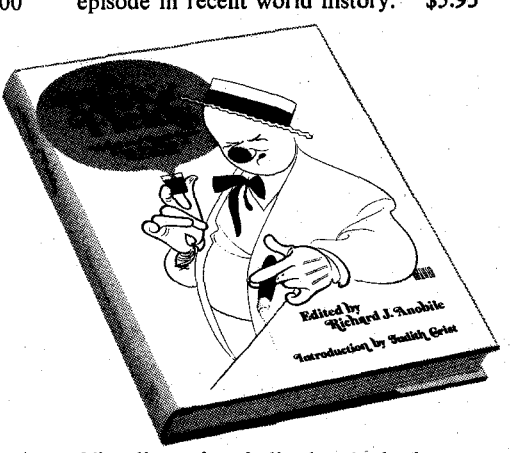

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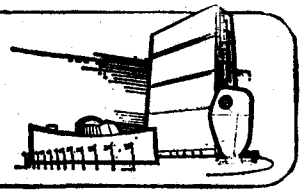

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TRB

from Washington
December 2, 1972

In the Wake

We may be reading Mr. Nixon wrong but it seems to us that he's preparing to kick Congress around as it has rarely been kicked before. The showdown may decide if presidential dominance is here to stay.

For 50 years presidential power has grown and two-party discipline has shrunk. But you can't run our 18th-century system of checks and balances without effective party structure, short of piling up presidential power. And indeed, that's what's happened.

Now we may be at a real watershed. Ticket-splitting couldn't have gone farther than it did in 1972 with Mr. Nixon's lonely landslide. Once more we have two-headed government in Washington. There were six years of divided government starting in 1954; and now there will be another six years, counting forward from 1968 to 1974 (and probably, we guess, to 1976). In more than half of 20 years neither party has been in charge of our government.

At present Mr. Nixon seems to be preparing, in a nice way of course, to show who's boss. Two days before the election he was so certain of a landslide that he outlined to Garnett Horner of the sympathetic *Washington Star-News* his plans for a second term (published after the election); on the domestic front it was a negative mix against permissiveness and welfare. It was a blueprint of conservatism *a la* Disraeli.

Next came from the White House, again to the sympathetic *Star-News*, the report of a program for major reorganization of government "without approval of Congress" (as the story said); it was explained that Mr. Nixon has "vast powers to make major changes in the administration of the bureaucracy unless specifically prohibited by prior act of Congress."

Challenge to Congress Number One! An earlier and more serious challenge is still on the books: before the election Mr. Nixon let it be known that he would impound (withhold) major funds which Congress had already voted. He would move strongly, it was announced, into a constitutional shadowland of authority by applying, in effect, an item veto. Almost certainly this means a fierce battle.

Next the President unexpectedly requested the *pro forma* resignation of presidential appointees down to the commission level, including several thousand top officials. Something of this sort is always done between terms but never, in our recollection, with such ostentatious brutality. It seems to indicate that Mr. Nixon is in a fighting mood and getting ready for a battle ahead with Congress.

There was also the sudden ouster of Father Hesburgh, for three years chairman of the US Civil Rights Commission, and the watchdog of civil rights enforcement. He seemed to be a fixture here and we always supposed he had independent status; maybe he did; he didn't choose to exercise it. Many and many a time he has seemed to us to be the conscience of America; he called busing a "phony issue." Every black in America must get the message of this ouster—with the sinking feeling that followed Reverend Martin Luther King's death.

Mr. Nixon is making everything shipshape while the Democrats are divided and demoralized. But powerful as he is he has certain embarrassments. He can't run again, and this always diminishes the Executive's power a bit, particularly in the final two years. Furthermore, there is dissension within the GOP between conservatives and liberals and it runs pretty deep. There is sullen criticism of Mr. Nixon himself by some conservatives for not aiding Republicans in Congress; in particular the defeated Senator Gordon Allott of Colorado who asked vainly for Mr. Nixon's help when he found he was in trouble. The President, however, didn't go; he sensed a landslide and didn't want to give McGovern any openings.

Finally, there's that little matter of the Watergate. Where it will lead, knows God, but we will have public hearings come January. Several of the Watergate White House figures appear to be quietly leaving.

So now let's look at the unhappy Democrats.

On December 3, the Democratic governors and governors-elect from 31 states assemble in St. Louis, and on December 9 the Democratic National Committee holds a post mortem here in Washington. Most press discussion turns on personalities, and whether Jean Westwood would continue as national chairman. She is associated with the McGovern fiasco and it's human nature to seek a sacrifice. But to us she seems relatively unimportant save as a symbol.

The real stakes, we think, go far deeper. They come down to whether the Democrats can pull themselves together and modernize themselves and thereby reaffirm the system of checks and balances against the encroaching White House. It's now or never, we think, on party responsibility. Can they also modernize procedure in Congress?

A long-forgotten report by a committee of the American Political Science Association on "Toward a More Responsible Two-Party System," in 1950, pleaded for strong political parties. Without them, it warned, you will get presidential dominance. It was an accurate forecast.

Democrats at Miami Beach tentatively voted to set up a 100-member charter commission to write a formal charter for the party, and to authorize the National Committee to call a gathering, or convention, two years hence, "on Democratic organization and policy." This could be the first mid-term convention in history. British political parties hold conventions every year. American parties meet for a few days every four years and then go back to sleep again.

Democrats put in far-reaching reforms on delegate selection procedures at Miami Beach and probably carried them too far, but something had to be done after the Chicago 1968 debacle. Now the question is whether Democrats will simply turn the clock back. Former chairman Larry O'Brien had sapient words at Miami Beach: "What I have seen through my adult life is the deterioration of party organizations at all levels." Now, he went on, Democrats are out to reform. They are the oldest party in the Western world. Normally, he said, "parties reach a point where massive reform is necessary for political survival. Almost always they have chosen to die—we have chosen to live." Is that correct? That's the real issue today.

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Democratic Reform

For a week or two after the wolf in the White House had gobbled up George McGovern, there were bleatings from the sheared flock, and some Democrats were nearly ready to accept the President's judgment that "this election was decided the day he [McGovern] was nominated." If Mr. Nixon was right, something must have been radically wrong with the way the Democratic candidate was chosen. In that case the reform rules which made McGovern's nomination possible ought to be scrapped so that the poor little lambs would not again lose their way between the first primary and the national convention. Fortunately, this view of what went astray and why has made little progress. For when the losses and gains had been pondered, it appeared that the Democrats had done quite well in congressional and state contests. McGovern himself began to be more pitied than censured, and it became commonplace to say that although another candidate might have done better, no Democrat could have beaten Mr. Nixon this year. Democrats who once called the reformers "kooks" began to remember the exhilaration of that unorthodox assembly in Miami Beach. By now there is general acceptance of the rules which made the openness of that convention possible—the requirement of posting notice of local party meetings, timeliness in the selection of convention delegates, enlargement of the Democratic National Committee and other organizational changes. The second thoughts were summed up by a Humphrey Democrat: The party needs "symbolic if not substantial changes."

A new national chairman may be one of those "symbolic" changes, but the replacement of Jean Westwood will still leave up in the air a great many questions of structure and substance; for example, the prickly "quota" controversy which will keep the new commission on delegate selection headed by Leonard Woodcock of the UAW busy for months. It is supposed to start work in January and perhaps the public hearings it will hold around the country will clear up some misconceptions that have prevailed during the past 18 months. Even staff members on the old McGovern commission now concede that the quota concept was implemented too rigidly and restrictively. The McGovern commission had not, after all, fixed any mathematical formula for convention representation. Instead, it had laid down the objective of eliminating past discrimination against blacks, women

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and youth, affirmatively encouraging wider participation by assuring places on state delegations for those special three groups. The "guideline" talked in terms of proportions reasonable to percentages in the population. Other "minorities" were not mentioned in the new rules for the simple reason that they had not been the subject of recent litigation. The McGovern commission did not foresee the growth in black militancy and among women, nor passage of the 26th Amendment giving the vote to 18-year-olds. The three encouraged groups became overwhelming forces, propelled not only by rule reforms, but by their own enthusiasm and the publicity that came with their support of a particular candidate, George McGovern. Though not specifically mandated, numerical quotas came to be fastened upon some state delegations, and these quotas are bound to be weeded out. What will probably emerge is the requirement that every echelon of the party prove that it is actively soliciting minority involvement, and since the American electorate can be thought of as a collection of minorities, the requirement has nearly limitless application.

There are other procedural changes in the offing which are of special interest to "organizational Democrats," those who spend week-in-and-week-out on party business. They want some protection against one-day Democrats who enlist simply to pack a caucus on behalf of a presidential candidate. That sort of invasion could be prevented by pre-registration for 30 or 60 days as a condition for attending a caucus to select national convention delegates. Another change —one favored by all factions of the party—is the elimination of winner-take-all primaries, though as yet there is no agreement on how these primaries are to be replaced. There is agreement on outlawing crossovers in primaries, and for a sound reason. Under some state election laws, Republicans can vote in Democratic primaries, giving them a legal way to sabotage the true expression of Democratic opinion. For instance, in Michigan this year, where crossovers are permitted, some areas with no history of Democratic strength turned out enormous numbers of voters for Wallace in the Democratic primary, which votes then went straight Republican in the general election.

Whatever decisions are reached on the structure, officers or rules of procedure for the national Democratic Party, there remains of course the fundamental question: what's it all for? Many politicians still think of their party as a coalition of state organizations and sympathetic interest groups which gather every four years around a presidential candidate. In the off years, attention focuses on Congress, and often the priorities become regional rather than national. When the Democrats have the White House, the question of what they stand for is easily, though perhaps not satisfactorily, settled by the wishes of the President. Out of power but controlling Congress, they come to resemble a patchwork rather than a party. It does not have to be that way. During the recent campaign, Senate Democratic staff members met each week to coordinate floor speeches in support of the national ticket. Comparable coordination among the legislators themselves could produce a consensus, if not unanimity. There are Democratic caucuses in the Senate and House that could, if they would, define and defend legislative priorities. In addition, Democratic governors and state chairmen have their own national organizations, and it would take little effort to bring together the Democratic mayors. Common ground on key national issues could be found among them.

More important, Senate and House committee chairmen, those who have open, inquiring minds, should initiate investigative hearings in 1973 and 1974 for the purpose of finding out how well the old Johnson Great Society and the new Nixon Tight Society programs are faring, spotlighting the weaknesses and using what they learn to reshape proposals that are being drafted in the White House. To get closer to what ails the country today, not what bothered it 10 years ago, the hearings should be taken out of Washington. We know that many of the remedies of the past have not worked well and in some instances have had nasty side effects. It is an elementary rule of diagnosis—and politics—to begin by asking the right question of the right people; in this instance the

The Party Chairman

The Democratic National Committee's first order of business December 9 is to find a national chairman who is committed to broad participation in party affairs, has the confidence of leaders in Congress where new policy initiatives must start, and who can take over the reins without a bloody fight. To find this paragon, a group including Senators Muskie and Hughes quietly canvassed the field, consulting those of like mind, looking over some of the attractive younger representatives, retiring governors and others. They found the House members, both those who went down to defeat and those back for another term, had other plans afoot. The governors had to withhold judgment until their December 3 conference, precariously close to the National Committee meeting six days later. Finally, the expanded Muskie-Hughes group settled on George Mitchell, the quiet unassuming national committeeman from Maine and an intimate of Muskie. At 39, he would bring vigor to the job. He served on the McGovern commission, is pledged to the party reforms, does not thrive on dissension. As a compromise candidate, he has won the support of many who have a high personal stake in the party's future, including Senator Kennedy and some of McGovern's close associates.

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afflicted. Housing programs could be explored in Detroit, Chicago and Los Angeles; agriculture in the Midwest and Far West; education in big cities and small; transportation where the crises are most serious.

In short, legislators who seek change as well as the confidence of the electorate, ought to shake loose from Washington lobbyists, bureaucrats and political appointees who nowadays act as expert witnesses. They should take congressional government's most potent weapon—the open hearing—to the people. These on-the-spot inquiries would not only provide a forum for the members of Congress, they would also expose national lawmakers to needs and sentiments outside their home states and districts. If carefully prepared, the investigations would help the Democrats reestablish their credibility and be a long step toward a new public understanding and appreciation of Congress.

Expendables

In the famous San Clemente interview with reporter Garnett Horner, President Nixon said he intended to "shuck off" some of the programs of the sixties, the ones that just "threw money at the problems." Government is too big, he said, and he would devote his second term to eliminating useless bureaucrats and flabby projects. The President was never specific, but some clues to his plans may be found in what he already has and has not done.

Since taking office, Mr. Nixon has vetoed or refused to sign 28 congressional bills; 24 of them subsequently died, and the other four were reenacted by a two-thirds vote to override. All were domestic proposals. The President justified most vetoes on the grounds of budget-trimming, though as a trimmer he snipped consistently at appropriations for social aid, and most often at the Department of Health, Education, and Welfare.

In his first veto in January, 1970, the President rejected the 1970 budgets for the departments of Labor and HEW because he thought them "inflationary" and too generous in "lower priority programs" such as pollution control studies, aid to "impacted" school districts and aid to elementary and secondary education. Eventually he signed a bill that reduced the appropriation for the two departments from $19.7 billion to $19.034 billion. That year he also vetoed the 1971 budget of $4.4 billion for the Office of Education in HEW. Congress overrode him. Then in 1971 he vetoed the Office of Economic Opportunity budget because it provided $2.1 billion for aid to child care centers, a plan which he said demonstrated "fiscal irresponsibility, administrative unworkability and family-weakening implications." In 1972 he rejected the Labor-HEW budget twice. The list goes on like this, with vetoes for public employment, anti-pollution and vocational rehabilitation.

Some congressmen argue that the White House exercises another kind of veto when it "impounds" money appropriated by Congress and refuses to spend it in the allocated time. Senator Hubert Humphrey, for example, found that more than $400 million Congress appropriated for the food stamp program in 1972 was never spent. It's difficult to gainsay White House efficiency experts when they deliver judgment, or when they offer the explanation that spending awaits "development of approved plans and specifications."

The Office of Management and Budget, which makes these decisions, doesn't publicize them until January when the budget for the following year is presented. Even then, it prefers to call its withholdings "reserves," and lumps them into general categories that prevent close analysis. Near the end of the 92nd Congress, an amendment was passed that requires the OMB henceforth to publish details about each impoundment "promptly" in the Federal Register when the decision is made. Nothing has been reported yet, and the OMB says it isn't sure what's meant by the term "promptly."

The only useful indicator at the moment of future intentions is the presidential tally of bills signed and vetoed. That tells us that in four years Mr. Nixon has rejected altogether 12 major social spending proposals, and this year approved the fattest defense budget in history—$74.5 billion.

In the Public Interest

Tainted Meat

The meat we eat is supposed to be wholesome, safe and without adulteration. The Wholesome Meat and Poultry Acts authorize the Department of Agriculture to serve these objectives. But pro-industry USDA officials, industry lobbyists and state officials struggling to block federal inspection have frustrated enforcement of the laws. There follows a list of abuses that trouble a number of dedicated USDA meat and poultry inspectors who have found support not from their political bosses but from General Accounting Office (a congressional agency) investigations of USDA:

1. Filthy or contaminated meat and poultry can be a carrier of at least 30 human diseases including brucellosis, hepatitis, trichinosis, staphylococcus and salmonellosis. Many of the 2 million salmonella food poisoning cases, which cost the nation more than $300,000,000 annually in medical costs and lost labor,

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are linked to such contamination. Some of these diseases afflict workers at meat packing plants (brucellosis for example) as well as consumers. Even when US inspection is working without corruption, harassment or apathy, the "US Inspected" stamp does not mean that there has been a bacteriological monitoring of the fresh meat and poultry from time of slaughter to retail sale. Although the products are scanned for disease, there is no effort to check bacteria levels.

2. Chemical residues from the use of pesticides, nitrites, hormones, antibiotics and other chemicals are continually ignored by producers, processors and a passive government despite increasing health risks such as cancer and birth defects. Other long-term adverse effects on health are uncharted and therefore assumed not to exist. The average consumer ingests about five pounds of chemical additives each year. Meat—because it is at the end of the food chain and because drugs, preservatives and coloring agents are now a staple of the feedlot and processing companies—is a major source of chemicals in the human diet.

Consumers ingest more pesticides from the meat they eat than from any other commodity. Two lawsuits by environmental and consumer groups ask the government to ban the cosmetic uses of sodium nitrite in bacon, hot dogs, ham and other processed meat and prohibit all uses of the synthetic hormone and fattener—diethylstilbestrol—in cattle.

The elaborate details of these and other food struggles are described in a new book, *Sowing the Wind* by my colleague Harrison Wellford. He also documents and evaluates the role of the US Department of Agriculture in setting standards which supposedly determine the amount of water allowed in hams and poultry, the level of fat in hamburger, hot dogs and corned beef, even the number of hairs and insect remains in canned meat. The influence over these standards by industry lobbyists and lawyers is great. The consumer's interests are little represented.

Who is to watch out for the food industry's manipulation of standards relating to the fat, water, protein and chemicals added to meat products? Who is to monitor the debasement of the concept of wholesomeness—*e.g.*, whether cattle with cancerous eyes or chicken wings with small tumors are government approved or not?

Michigan tried to answer a few of these questions by passing tougher standards than those put out by USDA for greater nutrition and less adulteration of the hot dog. The big meat companies sued Michigan to block the standard. Hormel, Armour and Wilson and Company won the latest round in the federal appeals court which ruled that the federal standard preempts the Michigan law even though "it has the effect of reducing an ingredient requirement that may result in higher nutritional value for a meat food product."

Consumers should begin asking more searching questions about the meat and poultry they buy or they will continue to pay more for *less* roasts and chicken and *more* water, fat, cereal, filler, drugs and chemicals.

Ralph Nader

The Nixon Watch

Camping Out

The charade with which the President chose to begin the transition to his second term continued into Thanksgiving week. After four days in almost complete seclusion at his Florida home on Key Biscayne, he flew back to Washington for one night at the White House and then withdrew into even more complete isolation, so far as the press and public were concerned, for a stay of unprecedented length at Camp David, the retreat maintained by the army for Presidents since Franklin Roosevelt's day in the Maryland mountains an hour's ride by car and 15 minutes by helicopter from Washington.

"Charade" has to be qualified. It was all for public effect: the initial forecasts of staff and departmental reorganization, at the White House and throughout the federal government; the daily procession of Cabinet members, agency heads and favored White House assistants to Camp David for an hour or so of conversation with the President; Press Secretary Ronald Ziegler's cautions to reporters, in briefings conducted in a huge trailer installed for the purpose at the guarded entrance to Camp David, that they mustn't assume from his and the President's talk of shaking up the federal establishment that hundreds of executive heads are about to roll. As I have written, it was the only way the President could think of—and a rather feeble way—to create an impression that his second term is going to be, on the domestic front, much more than a mere and sterile extension of the first term. Because the President had ruled out most of the possibilities for positive advance and innovation in domestic policy, unless the demolition and contraction of present programs can be called advance and innovation, a show of determination to shrink and tighten up the administrative structure was all he had to offer. In Mr. Nixon's view, however, that is a great deal. It's serious business, to be taken as seriously by the public and by the federal bureaucracy as he takes it. He's had this thing about staffing and structure ever since he became President, and never mind that in dramatizing his intention to begin the process of administrative reduction and reform with his own structure at the White House he invites a wonder as to how and why he let it get to be the biggest in presidential history.

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The transition performance provided some interesting glimpses of Richard Nixon at work on his people. Camp David is a cluster of quasi-rustic cottages buried in the woods, an informal place where you might expect a President to slip into casual clothing for his conversations with his appointees. Not this President. In the cottage that he has had transformed from living into office quarters, he greeted his callers in the same business suits that he wears at the White House. The talk at the meetings was at once easy and grave, tinged in some cases by the strain of people telling the President everything he wanted to know about their wishes and learning little or nothing from him about his intentions. He had said in advance of the visits that he was giving himself until December 15 to announce his personnel decisions, and in most instances his callers were still awaiting December 15 when they left him at Camp David.

Defense Secretary Melvin Laird, who months ago announced his intention to resign at the end of the first term, told an associate after his session that he didn't know whom the President had in mind to succeed him and what, if any, replacements Mr. Nixon planned to make at lower reaches of the department. Secretary of State William P. Rogers, the President's oldest and closest friend in the administration, appeared to his subordinates to be in somewhat better shape after his Camp David conversation. He spoke with seeming assurance of future plans for the department and his own activities as Secretary, including a probable visit to Europe with the President next February. Although Secretary Rogers was saying until a year ago that one term would be enough for him, he has been indicating since then that he'd like to remain well into the second term. His demeanor just before and after he met with the President at Camp David suggested that the rumors of his being replaced by John B. Connally, the Texas Nixocrat and former Secretary of the Treasury, in preparation for a horrendous shakeout of the State Department and Foreign Service bureaucracies, are groundless nonsense. But the Secretary's associates won't know for sure that he knows for sure until the President announces his new Cabinet lineup.

The assumption at the State Department, not questioned by Rogers, is that Henry Kissinger will stay on as the President's assistant for national security affairs. Kissinger has been saying since early 1972 that he will know when it's time to go and that he intends to do so before the second term is far along. If the President has read and thoroughly absorbed an incredibly vainglorious and imperious interview that Kissinger gave a lady journalist from Italy on November 4, replete with suggestions that he alone is responsible for the approach to a settlement in Vietnam and accommodation with Communist China, among other Nixon achievements in foreign policy, the departure could occur sooner than Kissinger contemplates. Secretive by habit and preoccupied as he has been with making his announcement that "peace is at hand" in Vietnam come true, Kissinger has said nothing about his plans to his numerous National Security Council staff. The Kissinger staff has been immune from the general call at the White House for resignations that the President can ignore or accept as he pleases. At an unannounced meeting on November 13, one of the few that Kissinger has ever taken the trouble and time to have with his entire staff, the subject of resignations and reorganization didn't come up. This, contrary to the claim that everybody on the Nixon staff is on the White House payroll, is partly because key members of the NSC staff are seconded to it from the career Foreign Service and are on the State Department payroll.

One of the few resignations demanded with the declared intention of accepting it was that of the Rev. Theodore M. Hesburgh, chairman of the US Commission on Civil Rights and the only remaining one of the five members originally appointed to the commission in 1957 by Mr. Nixon's late patron, President Eisenhower. In a "Dear Ted" letter in 1969, Mr. Nixon publicly thanked Father Hesburgh, the president of Notre Dame University, for his stand against campus disorder. Since then, Father Hesburgh and the commission have been outspoken in their criticism of the Nixon civil rights performance and, most recently, in their denunciation of the President's inflammatory use and distortion of the school busing issue. Mr. Nixon lacked the grace to tell Father Hesburgh that his resignation was wanted, or even to have a responsible assistant do it. While the commission was meeting in Washington on November 13, a secretary to Fred Malek, the President's chief recruiter, telephoned the demand to John Buggs, the commission's staff director, who passed it to the chairman. Father Hesburgh replied as follows on November 16: "Dear Mr. Nixon: In compliance with your request, transmitted by Mr. Frederic Malek of the White House staff, I hereby submit my resignation as chairman and member of the United States Commission on Civil Rights. Best regards. Cordially yours . . ." Father Hesburgh and Stephen Horn, the commission vice chairman, dined on the 13th with Leonard Garment, the President's special consultant on minority problems and sensibilities. It is said to have been a pleasant dinner, unmarred by mention of the crude and cowardly way in which this particular bit of reform was accomplished.

Len Garment is one of several White House assistants who intended to quit but are staying on, after exposure to Mr. Nixon's persuasive talk that he wants and needs them. Another may be Harry Dent, the White House specialist in southern politics, who announced his decision to resign last July and was all set to go back to Columbia, SC, when the President sweet-talked him at Camp David. At this writing,

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Dent is trying to brace himself to tell the President that he still intends to quit. Patrick Buchanan, a senior speech writer who hoped to replace Frank Shakespeare, the departing director of the US Information Agency, was told he couldn't do that but would have new and broader responsibilities at the White House. So he's staying, and glad to do it. The White House is a hard place to leave and the President knows it.

John Osborne

Absentee Owners of America—II

Poor Rich West Virginia

by Paul J. Kaufman

In bygone days, when General Motors' good was said to be the nation's and "ecology" was only a word on science tests, West Virginia was called "the Switzerland of America." A sign bearing this sobriquet was hanging on the Silver Bridge at Point Pleasant five years ago when it collapsed into the Ohio River, killing 47 people. Since then, West Virginia has witnessed the Farmington mine disaster of 1968, in which 74 miners died, and the Buffalo Creek flood of this past February that claimed 125. Recurrent disasters are one of the differences between West Virginia and Switzerland. Another is that West Virginia is notorious not for the money it gets but for the money that corporations take out of it.

In 1972, for the first time in the state's history, a candidate for governor posed a challenge to the coal industry. John D. Rockefeller IV argued that strip-mining is detrimental to the best interests of West Virginians and should be abolished. He pledged long overdue enforcement of coal mine health and safety laws. He promised to curb the manifold environmental abuses long perpetrated by king coal. These were not his prime issues; throughout most of the campaign, he concentrated on the need for jobs and roads. But the coal interests were not to be denied—not even by a Rockefeller. It is ironic that Rockefeller (no anti-capitalist he) was tagged as an "outsider" who was using the state for personal reasons whereas, in truth, his principal opposition (and his adversary's chief support) came from corporations which for the most part are owned and directed by out of state interests that have for so long exploited the state and its people.

In the past, coal has enjoyed the favor of *both* candidates for governor of West Virginia. In return, both parties usually receive large campaign donations from coal industry sources. This time, the Democratic candidate asserted in effect that he was prepared to deal at arm's length with the industry, that he could finance his own campaign and that king coal, under his administration, would be expected to obey the law like anyone else, without favor or preferential treatment. Rockefeller was roundly defeated.

The state has 55 counties, about 1.8 million people. The nine southernmost counties account for approximately 30 percent of the population and produce about 70 percent of the coal. Nine corporations own more than one-third of the land in these counties, and the top 25 landowners control more than half. Of the nine dominant corporations, only one is a West Virginia company doing business principally within the state. The others are Pocahontas Land Corporation, a wholly owned subsidiary of the Norfolk and Western Railroad; Georgia-Pacific, a timber company headquartered in Oregon; Western Pocahontas Corporation, a wholly owned subsidiary of the Chesapeake and Ohio Railroad; Island Creek Coal Company, a wholly owned subsidiary of Occidental Petroleum; Berwind Corporation, a diversified company holding huge tracts of land; Union Carbide, one of the world's largest chemical companies; Beaver Coal Corporation; and Bethlehem Steel.

Let's take a closer look at the ownership of one of the nine counties—McDowell—which is the largest coal-producing county in the nation. Two-thirds of the miners are employed by out-of-state corporations, seven of which own 76 percent of the land. Six of these corporations—US Steel, Eastern Gas and Fuel Associates, Hawley Coal, Olga Coal, Consolidation Coal (a Continental Oil subsidiary), and the Semet-Solvay

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division of Allied Chemical—produce two-thirds of McDowell's coal.

Since half of all local property taxes are used to support the school system, one might expect the county board of education to fight for higher property taxes. Three of the five McDowell County Board of Education members have close connections with the coal industry. The president of the board is a former US Steel physician. Another member is superintendent of the US Steel coal operation in the county, and a third is connected with Superior-Cannellton Coal. They do not seek higher property taxes.

The leader of the dominant Democratic faction in McDowell County is a former United States attorney and is president of the McDowell County Court. His law firm represents the Norfolk and Western Railroad, Pocahontas Fuel (a division of Consolidation Coal, *i.e.*, Continental Oil), Island Creek Coal, Phillips Coal, Slab Fork Coal, and Eastern Gas and Fuel Associates. Another member of the law firm is an assistant county prosecuting attorney.

A member of the state legislature from McDowell County, who is also a former speaker of the house of delegates, is a prominent coal operator who once obtained a concession from the state department of natural resources to mine coal in a state-owned preserve—a concession which was revoked only after prolonged legal action.

How have the people of McDowell County fared amidst their abundant mineral wealth? Between 1950 and 1970, McDowell lost nearly half its population. In 1971 almost a third of all McDowell families had incomes under $3000. More than half the adults in the county have never been to high school. What's true of McDowell County is characteristic of most of Appalachia. Despite the fact that coal, oil and gas companies have prospered almost beyond measure, the land and its inhabitants have not. Appalachia is not poor—it is a wealthy region inhabited by poor people.

It's not only money that Appalachians lose to giant corporations; the same absentee enterprises are destroying what's left of the region's beauty and bounty. Streams are badly polluted from coal wastes and acid mine drainage. The air is filthy from burning gob piles and slag heaps. Factories and power plants dump their industrial garbage with little restraint; the region's once lovely mountains are being stripped, gouged and ravaged. Like the military officer who found it necessary to destroy a Vietnam village in order to save it, the absentee energy corporations seem intent on devouring Appalachia in order to make it "prosper."

Strip-mining equipment is inordinately expensive. The bigger the company, the bigger and more destructive equipment they can and do afford. American Electric Power Company, the nation's largest utility, is also the 20th largest coal producer. Along with the Tennessee Valley Authority, it has set the pace for production and consumption of cheap, strip-mined coal in Appalachia.

The people of Appalachia want an end to stripping. Kanawha County is the most populous in West Virginia and is extensively strip-mined, yet a newspaper poll of Kanawha voters earlier this year found that 68 percent favored an end to stripping. In 1967, West Virginia enacted strong controls over strip-mining. They have not been enforced. In 1970, a candidate for the state senate pledged, if elected, to support abolition of strip-mining. The issue was joined by his opponent who saw nothing wrong with "responsible" stripping. The abolitionist candidate won by a comfortable margin. In 1972, the Democratic gubernatorial nominee, a congressman, and numerous legislators were nominated in counties where nomination is tantamount to election on the basis of their stands against stripping. Nevertheless, the coal industry, through its friends in Congress, the more entrenched members of the state legislature and the Executive Branch of government, continues to do pretty much as it pleases in the interest of "economic growth."

The social and economic costs to the people of Appalachia are immense. The Appalachian Regional Commission estimates it would cost $6.6 billion to clean up the streams polluted by acid mine drainage alone. Taxes paid by manufacturing corporations to meet these costs are totally inadequate and but a trifle compared to their profits. In West Virginia until recently, corporate taxes were little more than those paid by cigarette smokers, and less was collected from the entire coal industry than from the sale of liquor. The "private government" of the giant corporations is beyond the reach of the West Virginia citizenry and of the state itself. The annual revenues of West Virginia are approximately $600 million. The annual budget for any one of the giant corporations which own vast chunks of the state are far greater. Operating revenues for American Electric Power came to $779 million last year. New sales of Union Carbide for the first *quarter* of 1972 amounted to $760 million.

The West Virginia Public Service Commission, which is charged with controlling all public utilities and common carriers operating in the state, is required by law to be supported financially by the very corporations it is supposed to regulate. Its funding is minimal. Most of the state regulatory agencies are required by law to include corporate representatives on their governing, appeal or advisory boards.

The overlap between state government and big business is pervasive, as shown in the accompanying chart on page 14.

Such togetherness does little for the victims of corporate neglect. The Buffalo Creek flood, for example, was a consequence of massive quantities of waste water being stored behind piles of unstable coal slag and sludge by the Buffalo Mining Company, a subsidiary of Pittston, the largest independent coal pro-

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ducer in the country. Under the watchful eye of local industry lobbyists, the legislature responded to the flood by prescribing periodic inspections of coal waste piles and their eradication only if, in a given case, they were found to pose an "imminent" hazard to life and limb. The governor of West Virginia "ordered" that water and run-off, which had accumulated behind other gob piles, be emptied into West Virginia's rivers and creeks. No effort was made to seek more constructive means of disposing of these wastes or altering the processing methods which create them, since that might inconvenience the coal companies.

Similarly, coal companies violate both state and federal safety laws with virtual impunity. Pittston leads all companies in violation of the Federal Coal Mine Health and Safety Act with 5000 citations and $1 million in assessed penalties, none of which have been paid. Since 1970, the top 20 coal companies in West Virginia have failed to pay $76,180 in penalties assessed against them by the state. Consolidation Coal, the state's top producer, owes $20,185. Consolidation's Blacksville No. 1 mine, where nine men died in an underground fire last July, had been cited for safety violations 485 times by the federal government and 465 times by the state. The mine's general foreman, Herman Liddle, admitted at a public hearing that, in his opinion, the disaster would not have occurred if safety regulations had been followed.

Solving the problems of Appalachia, especially the basic problem of absentee ownership, will not be easy, but here are some suggestions:

► Require federal incorporation of all interstate companies with provision for true public representation on their governing boards.

► Impose a federal severance tax on all extractive industries, coupled with a supplemental tax on mineral reserves, allowing tax credits to companies that pay similar taxes to states.

► Amend the federal mine safety law to allow citizen suits for triple damages and injunctive relief.

► Require approval by the Environmental Protection Agency of new industrial undertakings. Approval or disapproval would be based upon detailed preplanning for waste disposal and preservation of the environment.

► Require that existing gob piles and coal waste banks be leveled or stored in abandoned mines and that hereafter all coal wastes, slag, sludge, etc., be stowed underground.

► Permit strip-mining only if and when total restoration of the land can be carried out promptly and effectively. The Department of the Interior should undertake a massive program to purchase and rehabilitate lands already stripped. Lands acquired by the government should be resold to dispossessed rural residents or local cooperatives at low cost and on liberal credit terms.

► Purge all public regulatory agencies of industry

BUSINESS ROLE	PUBLIC ROLE
President, Amherst Coal Company	Member and former chairman, W.Va. Air Pollution Control Commission
Executive vice president, Continental Oil—Consolidation Coal	Former W.Va. tax commissioner
Executive secretary, W.Va. Coal Association	Former speaker, W.Va. House of Delegates
Former executive secretary, W.Va. Coal Association	Former president, W.Va. Senate
Director of Environmental Conservation, Continental Oil	Former director, W.Va. Department of Natural Resources
Distributor for Union Oil; oil and gas entrepreneur	Chairman, W.Va. Senate Committee on Natural Resources
Partner to above as oil and gas entrepreneur	Former president, W.Va. Senate
Director, American Electric Power; director, Consolidation Coal	President, W.Va. Board of Regents; Former speaker, House of Delegates; Former chairman, W.Va. Senate Judiciary Committee; Former Democratic national committeeman
Law partner to above; director First National Bank of Belle (W.Va.)	Chairman, W.Va. Senate Judiciary Committee; Senate majority leader; Prime candidate for Senate presidency
Counsel for Humble Oil, American Oil, Monsanto Chemical, and others	Former W.Va. tax commissioner
Organizer and first executive director of the W.Va. Surface (strip) Mining Association	Former chief of W.Va. Department of Natural Resources, Reclamation Division

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representatives.

► Make corporate officials personally and criminally liable for violation of any law enacted for the protection of the public.

► Enable the Appalachian Regional Commission to fund cooperative or publicly owned power companies to compete with the "investor-owned" utilities that dominate much of Appalachia.

► Establish an Appalachian Mountain Authority, similar to TVA but owned by the residents of Appalachia rather than the federal government. The Authority should be empowered to borrow money and to purchase, by condemnation if necessary, energy sources, land and mineral rights. Alternatively or additionally, there should be established public utility districts similar to those in Oregon and Washington.

Conscientious Objectors

In the Air Force

by Peter J. Ognibene

In June 1971, an air force acquaintance told me that several officers had declared themselves COs and that most of them were Air Force Academy graduates. The following month I went to the academy and spoke with the superintendent, Lt. Gen. Albert P. Clark. He had "heard rumors of four or five . . . insignificant compared to the 4000 graduates who are serving their country." In the course of my visit I learned the names of four of the recent graduates who had applied for CO status and arranged to meet them. Lieutenants George Joyal and Richard Pavel (class of 1969) were stationed in Omaha at Offut Air Force Base, the home of the Strategic Air Command; Lieutenants John Thompson and Robert Webb (class of 1970) were based at Lowry AFB in Denver. They told me of three other academy graduates who had become COs and estimated the total might run as high as 20. (I now know the names of 10.)

The secretary of the air force can release with honorable discharges those servicemen he finds sincere in their renunciation of all wars, and air force regulation 35-24 establishes the official procedure for processing CO requests submitted by officers and enlisted men. Nonetheless, when each of these four officers made his request, each was harassed. The key element in the harassment was a promissory note, obliging the signer to pay the government for the portion of his service obligation which would go unfilled as a result of his discharge as a CO. Joyal and Pavel were presented with notes which would have required them to pay the government $30,000 at six percent annual interest in monthly installments of not less than $100. Both men refused to sign.

The legal pretext for this promissory note stems from the failure of the academy graduate discharged as a CO to fulfill the five-year service obligation in his cadet contract. There is, however, an escape clause in that contract, written no doubt so the air force can get rid of an officer who does not want to leave the service. It says: "As a commissioned officer I will be required to serve until duly released by competent authority." Under the regulation concerning COs, the secretary of the air force is clearly the "competent authority." Officers can be given "early outs" for any number of reasons, among them hardship, incompetence or conscientious objection to war. Yet, only those few officers who have become COs have been asked to sign these promissory notes.

When Joyal protested in a letter to President Nixon, the White House referred the matter to the air force. In a reply dated July 9, 1971, from the office of the secretary of the air force Joyal was told that "any agreement you make to voluntarily reimburse the government is not posited as a precondition to discharge nor as a consideration in determining the merits of your application for separation as a conscientious objector." Had the letter stopped there, no one could have called it harassment. But the next paragraph read: "The Judge Advocate General, USAF, informs me that since you received substantial educational benefits and now seek to be discharged of the concomitant obligations

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you voluntarily incurred, it is not deemed inappropriate to inquire whether you would be willing, in the event of discharge, to reimburse the government for such amounts of federal funds as had been expended in providing you with a college education and for which you would make no return of military service. Should your application for discharge be approved and you decline voluntary reimbursement, I am advised that consideration will be given by appropriate officials to refer your case to the Justice Department for possible collection action."

Joyal then wrote John Stennis, chairman of the Senate Armed Services Committee. Stennis replied: "I have explored whether or not authority exists to require the execution of a promissory note in such cases which would, in effect, reimburse the federal government for the expenses of the education at the Air Force Academy. I do not find any statute or regulation which imposes this requirement."

This lack of statutory authority did not deter the air force, and the government brought civil suits against two 1971 Air Force Academy graduates, Christopher Joy and John McCullough, who had been discharged as COs, in an attempt to collect $53,575 from each. The judge for the federal district court (eastern district of California), Thomas J. MacBride, ruled that the "Air Force's suit to recover the cost of petitioners' educations is unprecedented, either in the statutes, regulations, or case law." The air force currently is pondering an appeal, but if that does not succeed the military may seek a federal statute to make these promissory notes legal. Just before Congress adjourned, Representative Carleton J. King (R, NY) introduced a bill to require academy graduates who are later discharged as COs to pay the government for the cost of their education. If such a bill is enacted, the United States will have its own parallel to the notorious exit visas required of Soviet Jews who are permitted to emigrate to Israel. On the grounds that the Soviet state which educated them will not receive a full return on its investment, emigrating Jews have been charged as much as the ruble equivalent of $25,000. (Our air force has made no comment on this bit of extortion.) But Mr. Nixon, speaking through his press secretary, indicated his "deep human concern" for Jews detained by these visas.

The air force regulation concerning COs requires they be given a hearing before "an officer of field grade or higher who is knowledgeable in policies and procedures relating to conscientious objector matters." Pavel was the first to get a hearing; it lasted almost three hours. The hearing officer, Lt. Col. David F. Schafer, was convinced that Pavel was sincere in his renunciation of war and recommended he be discharged as a CO. Joyal, who was stationed at the same base, had a hearing lasting 25 minutes, during which time the hearing officer, Lt. Col. Francis T. Tiernan, was interrupted by two phone calls and an intercom call. In his report recommending against a CO discharge, Tiernan wrote: "I am of the opinion that, although monetary satisfaction of the obligation might cause a financial hardship on the individual, nonwillingness to satisfy the obligation by any means which does not involve war, the use of force or violence serves to cast doubt on the sincerity of the conscientious objection." In brief: those willing to pay are sincere; those not are insincere.

There was also harassment at an unofficial level. Pavel wrote: "On one occasion when I was simply speaking to an enlisted man, I was called into a Lt. Colonel's office at which time he accused me of proselytizing his men and said that if he ever caught me again that he would get me." In August 1971, Webb formally requested the base commander's permission to distribute on base a mimeographed sheet called *Getting Together*. As underground papers go, it was rather innocuous: its purpose was to give servicemen at Lowry an opportunity to join discussion groups on topics such as the Vietnam war and GI rights. Webb, a distinguished graduate of the Air Force Academy (upper five percent), realized his request might be turned down. He suggested, however, that *Getting Together* "will provide responsible viewpoints and make available valuable information to people in and around the Lowry military community." His request was refused.

Faced with small, but growing, numbers of antiwar dissenters and COs in its ranks, the air force did an about-face on August 6, 1971 and instituted a love-it-or-leave-it policy. In a message to all air force units, the air force chief of staff said: "When an officer recognizes that his attitude, behavior, military bearing, lack of leadership qualities, or performance is such that it will result in deterioration of morale and mission effectiveness, he may request voluntary resignation. . . . Under reasons for submission, the officer must indicate that the request for resignation is being submitted because he is convinced that his performance or attitude will result in deterioration in mission effectiveness, and that his unalterable convictions preclude rehabilitation." Under this policy, an antiwar officer or CO should be able to secure his release from service if he is willing to declare himself incompetent or unenthusiastic. But because they felt the government should recognize the legitimacy of their CO requests, these four officers were initially reluctant to take the easy way out, though it would have been to their financial advantage to do so. (One discharged as a CO loses certain veterans' benefits: a fate shared by those who get dishonorable discharges.)

All four men are now civilians, but only Pavel was discharged as a CO. Joyal was turned down, he said, because the air force thought there was "some doubt as to the depth of my sincerity." Joyal was later given a swift, but honorable, discharge following the appear-

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ance of a local newspaper article he wrote critical of the B-1 bomber. Webb tired of the bureaucratic hassle and submitted his resignation in the prescribed format, reciting the required litany of incompetence, nonenthusiasm, and failure as an air force leader. His resignation was quickly processed, and the air force gave him an honorable discharge. Thompson stuck to his CO request for almost a year but was consistently rebuffed. He believes the senior general at Lowry was trying to court-martial him but was dissuaded by cooler heads who saw the publicity as a threat to the air force's image and a possible detriment to its recruiting efforts. This June, Thompson was given a general discharge (a step below an honorable discharge and a black mark).

After Webb was discharged, he and Harvard theologian Harvey Cox and 40 others visited the chapel at the Air Force Academy. The group was evicted from the campus when they tried to give some cadets a copy of the prayer of St. Francis of Assisi which begins: "Lord, make me an instrument of Thy peace. Where there is hatred, let me sow love." For this offense, Webb has been banished forever from the grounds of his alma mater.

No More Chemical/Biological War?

by Richard A. Fineberg

For years, Fort Detrick was one of the most secret places in our country, dedicated to research on biological warfare—perfecting the instruments of death. But last year we decided to convert it into a laboratory for research on cancer—dedicated to the preservation of life. I visited Fort Detrick last year—on the day I announced its conversion. I directed that it now should be thrown open to scientists from all over the world. It was in that spirit that Fort Detrick welcomed the Russian Minister of Health almost one year later. There he stood—in a place which had once been the symbol of a closed world, a world of suspicion and confrontation. . . . Now this same place had become the symbol of an open world, a world of cooperation and trust. . . .

Richard M. Nixon, *November 3, 1972*

In the year since the President's order that Fort Detrick be rededicated—from germ warfare to cancer research—the massive and modern hospital-like structure near the fort's main entrance has increased its operating budget by at least 50 percent and has augmented its staff. This must be part of the National Institute of Health's cancer research program—right? Wrong. It's the United States Army Medical Research Institute of Infectious Diseases (USAMRIID), and its mission is not cancer research. According to USAMRIID's commanding officer, Col. Dan Crozier, MD, the institute's primary task is "developing workable medical defensive measures against biological agents." That appears to be consistent with the President's 1969 policy statement which allowed for continued research into "defensive measures such as immunization and safety measures." But at the research level the line between offense and defense is blurred at best.

"There is so close a relationship between offense and defense in any kind of fighting," Dr. Theodor Rosebury, the author of *Life on Man*, observed in 1949, "that it is not easy to deal with them separately. The defender must know the weapon with which he is to be attacked, and the attacker must understand the defenses he expects to breach." Dr. Rosebury wrote that shortly after he left Fort Detrick, where he was in charge of the military's airborne infection research program. The army acknowledges that it has trouble distinguishing between offense and defense. Col. Nelson W. Tobey, an army research and development officer, told the House Appropriations Committee in 1969 that ". . . [security deletion] percent of the work that we are doing under the CB program is offensive in nature, but it is very difficult to make any clear line of delineation between the two because there is such an

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intermingling."

In the case of biological warfare, the offensive skills of producing, stabilizing and disseminating disease agents must be mastered in order to devise a defense against them. The list of vaccines developed at Fort Detrick for germ warfare agents later produced at the Pine Bluff (Ark.) Arsenal underscores the close connection between offensive and defensive research. According to *Army Research and Development Newsmagazine*, Fort Detrick's immunological achievements include vaccines for anthrax (a dreaded scourge of the middle ages), tularemia (rabbit fever, an incapacitating bacterial disease), and Venezuelan equine encephalitis (the viral sickness that swept the southwest US horse population in 1971), as well as botulinum toxin (a lethal poison). All four of these agents were mass-produced and stockpiled in secrecy at Pine Bluff between 1962 and 1969.

Whether one labels it offensive or defensive, there is more than cancer research going on at Fort Detrick. In the year since the President closed out the offensive biological warfare program at Fort Detrick, USAMRIID's budget for defensive biological warfare research has jumped from $4.0 million in FY72 to $6.1 million for the current fiscal year. An installation-by-installation listing of army R&D facilities provided to the House Appropriations Committee early this year indicates that USAMRIID's staff is expected to triple during fiscal 1973—from 444 workers to 1326.

Is the intensified defensive biological research effort at Fort Detrick inspired by a Soviet threat? "I have been amazed to discover," then-Congressman Richard D. McCarthy (D, NY) wrote in 1969, "that the US has absolutely no hard evidence of any Russian offensive biological warfare activity." When McCarthy asked the Defense Department what measures were being taken to protect this country's civilian population from biological attack, the Defense Department's director of research and engineering, John S. Foster, Jr., informed him that CBW did not pose "a major strategic threat against the US." Foster noted that although an inexpensive but effective protective mask had been developed, "no large scale production was undertaken because of the low estimate of the threat." Col. Crozier reiterated this assessment in the July-August 1972 issue of *Ordnance* magazine, when he noted that "biological weapons are not considered a major strategic threat to the US population at this time." Earlier this year a Fort Detrick researcher told me that there's a general consensus at Detrick that the US is far ahead of the Soviet Union in biological warfare technology. In its budget presentations this spring, the Defense Department offered no explanation to Congress for the intensified defensive biological effort. (In fact, the only indication of USAMRIID's marked expansion is the personnel increase, which is buried in an 18-page listing that covered 94 separate facilities funded at nearly a billion dollars.)

Although the President promised to destroy "existing stocks of bacteriological [biological] weapons," the army now says it has destroyed only the germs themselves, not the delivery systems. This is a significant distinction: The army is reluctant to discuss the technical details, but informed observers note that delivery systems for germ warfare agents require complicated mechanisms such as detonating devices and disseminating nozzles that cannot be used for conventional munitions. The germ warfare agents produced and stockpiled at Pine Bluff were stored in bulk, according to Lt. Col. Bob Schuler of the army's Pentagon news branch. "All biological agents for offensive use have been destroyed, but not the munitions," Schuler says, and he adds that delivery hardware for germ weapons would be similar to that used for conventional ones.

It took the army until mid-1972 to detoxify anti-crop and anti-personnel biologicals at four installations—Pine Bluff, Fort Detrick, Beale (Calif.) Air Force Base and the Rocky Mountain Arsenal (Denver, Colo.). At Pine Bluff the price-tag for killing the microbes stockpiled for anti-personnel use is estimated at over $10 million. The process, which took more than a year to plan and almost another year to carry out, included incineration and three distinct sterilization processes before the residue could be put through a sewage plant and the harmless remains spread into the soil at Pine Bluff.

The army's widely publicized biological agent destruction program did not include Dugway, where this reporter has learned that the army secretly destroyed biological agents before the official destruction program was announced. When I toured Dugway and the nearby Tooele Army Depot last year, I was not allowed to see the storage areas where germ warfare agents are reportedly stored. The Dugway Command admitted that "some biological agents, similar to those to be found in hospitals and medical schools, in test tube quantities, are kept at the Dugway Proving Ground

Nearly four years ago, after an errant aerial nerve gas test accidentally killed more than 6000 sheep grazing on the desert southwest of Salt Lake City, President Nixon ordered a complete review of US chemical and biological warfare (CBW) activities. The resulting "important decisions," announced by Mr. Nixon November 25, 1969, included renunciation of the first use of lethal chemical weapons; a promise to submit the Geneva Protocol of 1925, which prohibits first use of chemical and biological agents, to the Senate for ratification; renunciation of the use of all methods of biological warfare; a pledge to destroy existing stocks of biological weapons and confine biological research to "defensive measures."

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for use in epidemiological diagnoses." The test tube quantities were not specified. One Dugway worker scoffed at the Command's use of "test tube" and "laboratory" quantities. He told me he helped fill an unmarked truck that carried biological agents to a new storage facility in 1970. In response to my request for definition of a "laboratory quantity," Lt. Col. Leonard F. B. Reed, Jr., chief of the army's news branch at the Pentagon, helpfully informed me that "laboratory quantities of biological agents are those diagnostic specimens and research samples utilized in the conduct of defensive research . . . as outlined in the President's 25 November 1969 statement."

The White House speaks of "dismantling" the biological warfare facilities, but a spokesman for the Food and Drug Administration's National Center for Toxicological Research, which has taken over portions of the biological warfare facility, told me that Pine Bluff's large germ-producing fermenters have been "sealed off" rather than dismantled. "They're mothballing it," Dr. T. J. Haley, a center spokesman, said. He added that there is "no present way" the new center could make use of the army's giant germ-breeding equipment, though the reproduction facility could conceivably be of some future use.

The question of biological warfare capability, then, is more complicated than the White House implies. The US maintains 1) unspecified quantities of microbes, 2) facilities to produce large quantities of germs, and 3) sophisticated mechanisms to deliver them. It is an oversimplication to say that the US no longer has the capability to wage biological war. Col. Schuler says that it might be more accurate to say the US still has "the capability to have the capability."

But the continued biological program is only one part of the CBW picture. Research on lethal chemical weapons has nearly doubled in the three years since President Nixon disavowed first use of these weapons. According to Defense Department figures, $8 million has been earmarked for research and development on lethal chemical weaponry for fiscal 1973. In fiscal 1970, this research was pegged at $4.3 million. Most of the $8 million is directed toward perfecting a new method of delivering nerve gas the army calls the binary system. In a binary weapon, two compounds in separate cylinders are mixed together on firing to form a lethal chemical payload. The army has said it intends to wait until the binary system, currently in the advanced stages of development, has been perfected before procuring additional lethal chemical weapons. According to a 1971 report by DMS (formerly Defense Marketing Services), a private firm that provides information for defense contractors, the binary system "is expected to replace existing chemical stockpiles, since it eliminates almost all of the presently-feared handling and storage hazards."

Under the Nixon administration, total spending for chemical warfare research and development has dropped slightly, from $33.5 million in FY70 to $28.5 million in FY73. The boost in spending for the binary nerve gas delivery system has been more than offset by decreases in research spending on such items as sublethal incapacitating agents and defensive equipment development.

The President did submit the Geneva Protocol of 1925 to the Senate for ratification, as promised. But the administration's inclusion of an informal understanding that excludes riot control agents and herbicides from the ban has stymied ratification for over two years. More than 90 nations—including the Soviet Union and every major power except the US—have ratified the 1925 prohibition against first use in combat of "asphyxiating, poisonous or other gases and all analogous . . . devices."

After holding hearings on the Protocol in March 1971, Senate Foreign Relations Committee Chairman Fulbright wrote the President that many committee members felt that the administration's unique interpretation "cannot help but weaken the effect of the Protocol." On behalf of the committee Fulbright asked the President to consider "whether the need to hold open the option to use tear gas and herbicides is indeed so great that it outweighs the long-term advantages to the United States of strengthening existing barriers against chemical warfare by means of ratification without restrictive interpretations." The committee waited 18 months for a reply from the White House, got none, and then published the inconclusive hearings.

In the interim, the United Nations Conference Committee on Disarmament negotiated a biological weapons ban which the administration recently signed and sent to the Senate for ratification. (The biological ban is limited to "development, production and stockpiling" of germ warfare agents; the Geneva Protocol restricts only usage of these weapons.) But negotiations on a similar ban for chemical weapons (including all chemicals with no justification for peaceful purposes) were stalled this summer while the conference committee waited for the promised US response to the Soviet-initiated draft treaty. The US counter-proposal never arrived and the conference committee recessed in September.

While the administration delays its verdict on international agreements limiting chemical warfare, the army continues to instruct foreign military personnel in the strategy, tactics and techniques of CBW at the Ft. McClellan (Ala.) Chemical Center and School. Army spokesmen say there is no contradiction between this aspect of the CBW program and Nixon's goal of establishing international restraints on gas and germ warfare. "Of course," Col. Robert N. Ladson, then commandant at Ft. McClellan, recalled in 1970 with a grin, "it got a little tricky a few years ago when we had Arab and Israeli students here at the same time."

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Stanley Kauffmann on films

Satire and Sordi

The Discreet Charm of the Bourgeoisie (Twentieth Century-Fox). The child is father to the man, all right, but how often is the man father to another man? In art, not often. That's why Luis Buñuel, in the seventh and eighth decades of his life, is so extraordinary. Without losing anything, he has added something: in his later years, he has brought a minor strain in his temperament to maturity. And the "new" Buñuel is much better than the older, better-known one.

This early surrealist left that camp for a series of quasi-Marxist cinematic revenges on his Catholic upbringing, toward which he was nonetheless ambivalent, and for sexual fantasies, which were unenlighteningly sadistic. *El, Los Olvidados,* and *Nazarin* are only three of his films that other people like more than I do. Then in 1965 he made the short, pungently witty *Simon of the Desert* and in 1968 *The Milky Way,* a delightful reflowering of his surrealist wit.

Both of these films were more interesting than *Viridiana* (1962) and *Tristana* (1970); the latter was well made, but both pictures suffered from his obsession that the macabre is automatically serious. Now, however, he goes back to the *new* older Buñuel—smooth, stiletto satire.

As with *The Milky Way,* the most important element is the script—by Buñuel and his usual collaborator in French, Jean-Claude Carrière. (He has different collaborators when he works in Spanish and English.) Buñuel's direction has the reticence of a man who needs to "prove" nothing, his casting is bull's-eye all the way, but it's the script that makes the film matter. His subject is the protocol of daily bourgeois life, how slavishly the members try to obey it, how easily it is wrecked, and how wretched the values are beneath it.

In and around Paris move the ambassador from Miranda, (a mythical Latin-American country), the ambassador's mistress, her sister, her husband, and another married couple. En route the group acquires a bishop who likes to work as a gardener (a "worker-bishop"), and a cavalry colonel. The repeated focus of the story is luncheon and dinner engagements, which are never fulfilled, for different reasons. The medium of the story is dream: sequences start as if they were actual, then become gradually and logically wild, violent or ridiculous, and end with the dreamer of the dream waking up with a start. Sometimes the dream *and* the dreamer are in the dream of a third party, who wakes up. The method is thus not strictly surrealist; there are no sharp juxtapositions of incongruities. Even more than in *The Milky Way,* it is the underlying *philosophy* that is surrealist, rather than visible illogicality. Everything we see is *familiar;* it just gradually slides or melts away into the grotesque.

For instance, a casual dinner-party conversation changes into polite disagreement, then a guest pulls a pistol and shoots his host. Or, near the end, the seven friends sit down, at long last, to the dinner toward which the whole story has been moving. A gang of terrorists burst in (we know there are terrorists hunting the ambassador), and the ambassador hides under the table. The gang line up all the other guests and mow them down. For a moment we think this is the "real" irony that caps the film: the ambassador escapes his assassins, while his friends get killed. Then the gang chief sees a hand reaching up from under the table for a slice of meat! They discover the ambassador under the table, calmly chewing the meat as he awaits them, and we realize that we are seeing one more dream. The ambassador's greed that will bring about his downfall, his aristocratic hauteur in the face of it all, have only been symbolized, in a neat comic action; and the slaughtered friends have not been killed "really" any more than a man hiding from assassins would "really" reach up for a slice of meat.

The business link between the ambassador and the two husbands in this circle is the cocaine trade. Some have objected that this element is too grim: since most of the audience does not push dope, it may distance them from identification with the other elements. But the cocaine-symbol doesn't seem to me any more distancing than the prostitution-symbol in *Belle de Jour* and is much less sentimental.

Another resemblance to *The Milky Way* is the recurring use of a journey along a road, as a sort of *basso ostinato.* Every once in a while, between sequences, we get a shot of the original six friends walking along a lonely country road in city dress. It's never explained, no destination is ever reached, it's not part of the story (as the road was in the earlier film). Journey, mystery, incongruity—the device essentially is just a pleasant metaphor in the sly comedy mystery.

Among the actors, Fernando Rey, Paul Frankeur, Delphine Seyrig, and Michel Piccoli are familiar from past Buñuel and elsewhere; Bulle Ogier was *La Salamandre* herself; Jean-Pierre Cassel, the Pierrot of early de Broca films, is engagingly present. All of them, and others, give the film the effortless credibility it needs to make us twist our necks

(continued on page 33)

Films Worth Seeing

Chloe in the Afternoon. Eric Rohmer's sixth Moral Tale concludes his series of gentle, esthetic insistences that there is more to love and sex than modernist reductions.

The Emigrants. Max von Sydow and Liv Ullman in a well-made narrative of Swedes leaving Sweden for the US in 1844.

The Ruling Class. Peter O'Toole and a superb cast in a messy but well-written satire about a religious maniac who succeeds to an earldom.

La Salamandre. A funny, grave, important film. Two TV documentary writers want to write a script about a workingclass girl, but her reality is too much for them. Swiss, believe it or not.

The Sorrow and the Pity. Four and a half fine hours of documentary about wartime France and some survivors.

Two English Girls. Truffaut's weakish best since *Jules and Jim* (and from the same author). A charming director has gone into the Charm Business.

Young Winston. Early Churchill adventures make a passable adventure film that goes up to the first cigar. Simon Ward particularly good.

SK

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Sedulus on TV

Can We Choose Our Own Poison?

Getting advertisers to cease and desist saying that such and such a drug will put more iron in a citizen's oversoul takes years, and by the time the cease and desist order is effective the advertising campaign is over anyway and the same drug is being sold as a correction for nearsightedness. You can't beat the money men with random pot shots, and if there is anything the late unlamented election tells us it is that the money men will be with us a while. But let us take a significant instance, drugs and TV—what does the entrenchment here mean?

A couple of weeks ago the National Council of Churches held a well-publicized conference on drug advertising in which the fat companies were shot at, not randomly but with a big fusillade, for spending four times as much on promotion ($2 billion) as on research. Senator Gaylord Nelson roasted them for their activities with the doctors, claiming that $5000 per doctor "is spent annually to persuade him to prescribe drugs" (there by golly is a case of the entrenched speaking to the entrenched). And Nicholas Johnson and others roasted them for their TV advertising, with Johnson recommending a ban on advertising *all* over-the-counter drugs. What will come of these roasts? Nothing, I assume. Not only did the drug companies cooperate beautifully with the President's reelection committee—we will be hearing more about those campaign contributions for months to come—but their advertising has already been so successful that despite the constant revelations about overcharging, misrepresentation, and behind-doors deals their image remains one of integrity; they are among the pillars of our society. And since they are also a crucial element in the whole economy of TV we can expect that the broadcasters will defend them and their glorious free enterprise. In other words they have important friends.

It is hard not to be cynical about this most cynical of industries, where human lives and the great American buck keep being given equal time. Until there's a change in the social heart about these particular fat cats the social heart is, I'd say, not ready to be changed about other industries either. And yet for the reformers to be indignant and righteous about drug advertising is probably not very smart; the reformers should learn from McGovern the fate of the righteous. Take Nick Johnson's righteousness for example at the church conference. I admire Johnson very much but hear this: he complained about pushing beer and wine on TV, and he managed even to be upset because drunks were portrayed sympathetically in TV comedies. Now I *have* heard that alcoholism is a drug problem *too*, and I would like to imagine that in the gorgeous utopia that will set in when Teddy Kennedy is elected in 1976 there will be effective controls upon the advertising of liquor as well as drugs; but I don't think we will hasten the millennium by suggesting that we could or should legislate out of existence the vices themselves. The spirit of prohibition (of drugs and drinks and smokes) has been in the reformist air for sometime, and it's a false spirit, I think, one that needs to be kept from tainting sensible efforts to control the promoters. In other words the reformers should set before themselves aphorisms like "before setting world on fire, buy matches" (Charlie Chan?), and not rush about trying to bring mankind back to the Garden in the age of Watergate.

Yet even the loosest live-and-let-live philosophy can produce a reasonably good case against the drug and liquor promoters, so perhaps we should not despair. In behalf of their own self-interest they set out every morning deliberately to persuade the public to imbibe the available poisons, an action we have accepted as their right—but is it? To persuade the public to imbibe the stuff is a very different thing from just making the stuff available and letting the public do the choosing. The promoters are after all our official brainwashers and proud of it. Their job *is* to influence choice; hence they are mixed up kids in this land of the free when they, as washers of brains, oppose, as they always do, regulation. They wish not to be regulated in their own lives and businesses yet insist upon their right to move others. Now I'd say this latter right is not a right at all by any construction of our Constitution, and, because it is not, most of the drug and alcohol promotion on the tube is suspect; it could, I'd say, be banned from the air waves with much greater justice than we ban prayer from our public schools. Furthermore the banning or close supervision of such promotion could take place without touching the products themselves or the rights of consumers to consume them. The banning of promotions would not even threaten those light comedies that Nick Johnson is annoyed by—the ones that display drunks sympathetically—so long as the comedies themselves have not been purchased or created by Old Rotgut. In other words, in the area of advertising there would seem to be some possible legal occasion for regulations to *preserve* freedom, and to preserve it not for the advertiser but for the consumer whose free choice the advertiser is always trying to take over.

Take one current brainwash ad as an instance of what we ought to be trying to move against: a plain old Bayer commercial, the kind to be seen on NBC News almost any night. A no-nonsense young matron steps forward from her no-nonsense daily business to tell us that if there's one thing she wants to be sure about for *her* family it's *medicine*. Then she holds up a pamphlet turned out by Bayer saying why Bayer is best. All we see is the outside of the pamphlet but that's enough. She then retreats efficiently back to her family and poses with them—a sort of benign still—for fade-out. What this ad tries to persuade us of, with no documentation and with no suggestion that anything is to be argued, is that Bayer aspirin is more than a headache pill; it is also a strong and loyal ally of that family, a family moreover that represents the very best features of American familiness, being close-knit, sensible, well-dressed, hard-working, well-off—watch the ad and supply your own adjectives. Now I submit that the background fluff for that ad—and the ad is all background, really—is characteristic modern American brainwash of the most insidious kind, and of a kind that can be gotten at by attacking the techniques and intentions of the advertiser. He has smuggled articles of faith into the ad that inhibit the citizenry's free choice of both faith and medicine. Get him. I submit, at least, that going after such noxious promotion is preferable to, and potentially more effective than, trying to eliminate the noxious vices themselves.

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Two Poets

Collected Poems 1951-1971

by A. R. Ammons

(Norton; $12.50)

Notes of an Alchemist

by Loren Eiseley

(Scribners; $6.95)

A sad art, this poetry, always scuttling away from people into the woods. Real woods or word woods, but woods. To write a poem is first to say to one's self, Now I must get away from everything that I have been coping with at breakfast and lunch, everything that I have been talking about with wife (husband), children, friends, everything that is commonplace and negotiable, get away and find myself something magical and strange under a rock or in an old anthropology book. *Then* I can sit *down* and write it *up* with the words spread *around* artywise. Yum yum.

We are now in the old age of this dispensation so can hardly be surprised by it, but there have been happier periods. Look almost anywhere in the now of the art and it is magical and strange like Disneyland, that is, manufactured and phony. Hush children, the poet is speaking; listen to those long vowels. There's nothing wrong with the poets, it's the poetry that does them in. Of *course* we need a language for those big feelings, and of *course* we should be respectful of the lovely sensibilities with a feel for the big feel; but the trouble is that the big feel regularly turns up in crummy little private poems that make everything the Soviets say about the decadence of American literature right and true. A lot of the poems are in what keeps being called free verse but might better be called free-enterprise verse; the poet determines the big feel for himself and then drives it to market. Ugh, what a bad art.

And here is a poet right in the middle of the worst of it. With the big outside world struggling ineffectually to learn to spell "sludge," here he comes, another academic, with his enormous bundle of esoterica. And trailing along after him is a cloud of critic-sophisticates, hailing him as a new Frost and/or Stevens and readying him for the National Book Award. There is only one flaw in this otherwise perfect scene of silly preciosity, and the flaw is the poet. A. R. Ammons is really and truly a good poet, an important poet; and this new book of his is indeed, though very unevenly, a good book. I have a vague feeling that somebody ought to harness his fine talent to something other than private-sensibility poems—maybe we could get him to build a bridge or something?—but given the failings of the poor sappy medium we should indeed be grateful for his presence.

His poems sneak up on a reader slowly, which is perhaps justification for printing such a massive collection when he is still in mid-career. For the first 30 or 40 pages I found myself ho-humming at a great rate, and then suddenly my eyes struggled into focus and Oh (as he would have said) I said; he had won me over and thereafter it was easy, happy going. I think I first said oh loud and clear on page 50 when reading a poem, "Batsto," that seemed uncharacteristic of him—uncharacteristic in that it is a poem of meticulous naturalistic detail right down to route numbers and the names and dates on gravestones. I had been thinking that Ammons was not of this poor bloody world much, that he was too much the meditator and cloud constructor, that he ought to go out and live a bit; but on page 50 he showed me I was wrong. Then came the glories of "Silver" and "Hardweed Path Going," poems rich in really felt detail that serve to temper the fanciful side of Ammons, the Ammons who likes to talk idly with "nature":

The mountains said they were
  tired of lying down
and wanted to know what
  I could do about
getting them off the ground

Well close your eyes I said
  and I'll see if I can
by seeing into your nature
  tell where you've been wronged
What do you think you want to do
  They said Oh fly

A little of that goes a long way but Ammons, I discovered, mostly knows this. At least, when he gets up a full head of steam he is not content to dream merely; he dreams and observes too, has it both ways, has the experiential and the fancied all in the box together. I submit that "Coon Song" is a marvel of such mixing; it is really wild and way-out and yet says a lot about the nature of coons. He can do the same with cars, ashcans (he's very strong on ashcans), brooms, beetles, crows, dozens of other tricksy nature items, and sometimes even people—though he is weaker on people; his is the art of the solitary observer, thinker. He seems to be a bit embarrassed by the display of strong emotions bred by human relationships (an exception is a sort of elegy, "Nellie Myers," one of his least successful efforts). His happiest poetic stance is an alert detachment, with occasional sallies into the comic or grotesque. In his most recent work, where he is trying with I think erratic success to master the art of the long poem, he talks entirely too much about poetry itself (one of the long poems is an *Essay on Poetics*) and is sometimes as abstract as a drunken graduate student in philosophy, but saves the day by bringing in what would be called daily trivia by the drunken grad student, trivia that is not finally trivia at all, nor presented as such.

To describe Ammons' philosophy either of poetry or life isn't easy, but in general and fuzzily I would say that he is a sort of random equilibrist, constantly balancing the felt with the thought, the known with the imagined, and saying as he does so, Look these are all part of meaning, let us take them as equals, let us let them live together. And so he does—and when he is bad, which he can be, he *is* precious; he indulges himself too much with interior meanderings, and fails to do nearly enough weeding, trimming down. But when he is good the rationale for his indulgings shows instead, and we find

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him giving us remarkably lively and surprising visions of what the lit crit chaps might call total experience, rather than skinny talks about life.

The second volume here is a talking-about performance, and a long way down from Ammons. I cannot speak of Loren Eiseley's prose career, though I know he has a big reputation as a scientist with humane concerns who can write up a storm; but of his poems I must say not oh but no. In his defense I should add that he is himself modest, in his introduction, about his poems and says he may have made a mistake in "releasing" them. Also he as a scientist will not have the literary critics on his side, so is lost from the start. For all that the poems are not, unfortunately, good.

They do however provide an interesting contrast with Ammons. Ammons is, as stated, a private-sensibility writer straight out of an English Department dream, whereas Eiseley, an outsider, is one of those who thinks that poetry should consist of Great (and public) Truths about Man, about Us. This ought to be healthy, no? Haven't we had too much of that other stuff? Don't we need a little light and air in poetry's dank cellars? And finally, isn't it good to find a poet who *says* something?

Maybe it *ought* to be good, but it isn't, just as Ammons *ought* to be bad, but isn't. The trouble with Eiseley is that he has a superficial, rhetorical notion of what poetry is and does, in an age when the real poets like Ammons have been pushing hard to give poetry that other dimension I talked about, that is, pushing to make it genuinely expressive of the full range of our consciousness. So, though not many poets come even close to that grand ideal, the ideal *is* floating around—and Eiseley in not espousing it shows himself as a poet of an outmoded dispensation, a poet as preacher. His verse accordingly comes out looking like prose but with more adjectives—and of course spread around. He is indeed an enthusiastic spreader-arounder, but only manages to seem artificial and ill at ease when he does so. Take for instance these lines about "Striders," those long-legged critturs that walk on water:

The water striders row on a film of water
that can be broken by a beetle
who knows the secret of dissolving
the tension of the film.
Such chemistries reside
in the night darkness of the molecule
that seems to think.

That's nothing, a piece of impersonal observation with a slightly hopped-up rhetorical pitch. The poem then goes on and on, about striders and men; but remains throughout merely general talk, never touching upon immediacies. Compare Ammons on a dissimilar but nonetheless natural phenomenon (a comet) where the phenomenon is displaced by, balanced by—and I would say endowed with poetry by—a certain Mr. Schafer:

I said
Mr. Schafer
did you get up see the comet:

and
he said
Oh no
let it go by, I don't care:

he has leaves to rake
and the
plunger on his washing machine
isn't working right:

he's not amused
by ten-million-mile tails
or any million-mile-an-hour
universal swoosh

or
frozen gases
lit by disturbances

across our
solar arcs

That poem is minor Ammons, incidental stuff; but the difference between it and what Eiseley is doing is crucial. Poetry may not be going anywhere much, and except when a rare sensibility like Ammons comes along it seems an art that ought to be taken off in a pit and shot, poor thing; but its sad plight is not to be improved by its retreating, from where it has got, into truths-about-man verse. There's some law about how you can't go home again that needs to be applied here. How *does* that law go?

Reed Whittemore

South of Civilization

South Africa: Civilizations in Conflict

by Jim Hoagland

(Houghton Mifflin; $10)

It is hard not to be outspoken against South Africa—but easy for even the outspoken to disagree. For a decade, this reporter's conclusions on that country have proven as unacceptable to liberal South Africans and the Organization of African Unity as to Pretoria. I have theorized, for instance, that Afrikaners (pidgin Dutch-speaking South Africans) are not cultural Europeans but an African tribe that happens to be pale-complexioned; that one reason why their culture is not European is that they have converted Christianity into a pre-Christian, tribal faith whose God is that of a Chosen People; that the psychological motive for inventing this God is not arrogance but fear (hence, laws to prevent blacks from doing supervisory and technical jobs which genuinely "inferior" people could not master).

If such arguments earn a blacklisting by the government, liberals have been equally offended by the suggestion that no basis existed for a multiracial solution in South Africa, and that the natural sequel to the present *bantustan* (territorial reserve) policy was partition; that there was nothing infallibly permanent about colonial frontiers; that prosperity would make apartheid worse, not better—but that apartheid's *bantustan* extremism had a nationalistic usefulness which black leaders could and would exploit. I irritated well-meaning people by writing that South Africa's revolution must be violent and led by blacks, not a peaceful white-liberal achievement; even "progressives" hesitated to accept that guerrilla war in the area was not so much violence as counterviolence, and that it would be

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hypocritical to discourage it without opposing the war against Hitler or the American Revolution.

I have taken the view that breaking relations with South Africa would achieve nothing, but that making it clear that the US would not come to the regime's defense under any circumstances *would* influence Pretoria. Covert support could be given to resistance movements, and US-supported UN oil sanctions would be effective. I have pointed out that South Africa's colossal arms imbalance with its neighbors (now to include tactical atomic weapons) is a threat to international peace, and that US defense pacts with South Africa's neighbors might well provide a better stalemate than prospective Chinese missiles in Tanzania. The so-called "white elephant" of a railroad which China is building between Tanzania and Zambia has seemed to me so militarily crucial to black southern Africa as to be cheap at the price; and I have suggested that the US and the Soviet Union, whose views on South Africa (and China) are similar and (in the case of South Africa itself) more or less equally disinterested, should cooperate to enforce UN policy in the area. All these views are still regarded by the conventional left and right as wildly radical, so it is satisfying to find a colleague as perceptive and objective as Jim Hoagland (who won a Pulitzer for the *Washington Post* series from which this book evolved) endorsing them.

Hoagland also has decided views of his own: his particular partition proposal seems bizarrely complicated; he believes that black Americans have a special role to play in US policymaking on Africa; he thinks that, while the State Department views Pretoria as a bridgehead for communism in Africa, many at the Pentagon see it, absurdly, as Pretoria sees itself—a bastion against Marxist imperialism (he may well be right). On Southern Rhodesia, he fails to note that it was *black* opposition to the federation with Malawi and Zambia that ended multiracial government in Salisbury and gave Ian Smith his independence. In Angola, he probably overestimates the MPLA, a Communist-front intellectuals' movement, and underestimates the grass-roots GRAE (which he calls by its early-'60s initials of UPA). He probably underestimates, too, the role that Botswana will play in the final showdown with South Africa.

Books on modern Africa are swiftly overtaken by events: since Hoagland wrote, South Africa's bid for "dialog" with Africa has collapsed, and even Malawi's cautious President Banda now gives sanctuary to Mozambican guerrillas. But Hoagland's is probably the most lucid book written on South Africa in recent years. Typical of his perceptiveness is the apparently bizarre significance he gives to the country's 2,000,000 Eurafricans ("Coloreds"), who include virtually all the descendants of the colony's first two centuries of founding fathers. White-tribe by culture, but rejected by the conservative white working class (the regime's political base) as the main challengers, they have emerged in the past year as the exponents of "black power" in South Africa. Hoagland sees the tragic ambivalence of their future: they may well be the necessary children whom the necessary revolution will eat.

Russell Warren Howe

Morocco

Marrakech, Meknes, Fez, Casablanca
names on a map deep in our minds
minarets and almond trees laying long shadows:
cobblestone streets under keyhole arches
shine in the darkness like broken teeth

The soul is a camel
with a hump full of sentimental images
clumping across real deserts
seeking the perfect oasis that is no mirage
(no one has ever reached it)

Marrakech, Meknes, Fez, Casablanca
the walled cities are truly beautiful
and corrupt, in the center they decay
like molars, the pain is spreading
a white path for revolution

What shall happen to the almond trees?
they shall be burned with bazaar and babouche
their seeds shall burst underground from the heat
green shoots will spring up
their bitter leaves nibbled by lost camels

PETER MEINKE

In Brief

The Temptation of Jack Orkney and Other Stories by Doris Lessing

(Knopf; $6.95)

Doris Lessing is one of Britain's finest writers, and her style springs from its best literary traditions. But her preoccupations are germane to this century, of which she is an acute recorder. She has written 18 books in 23 years, shuttling facilely from novels to short stories to plays to poetry to reportage and, now, in this latest collection, back to 13 short stories.

The title novella is a brilliant requiem for the Old Guard ideologues of a few decades past and their confrontation with the young activists of the present. The other stories are diverse in subject and realization. They range from Africa (where Doris Lessing was raised) to the theater, to the parks near her London home, to elderly outcast women durable in pride, to marriage, adultery and other contemporary subjects.

The Temptation of Jack Orkney might be considered an oblique autobiography reflecting Doris Lessing's reconsideration of political ukases fictionalized in past novels such as *A Ripple from the Storm* and *The Golden Notebook*. Her protagonist, a successful journalist and leading socialist activist, faces simultaneously the death of his father and a period of leisure between assign-

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ments. He realizes, with cumulative force, that his life has been insulated by self-righteous ideology and disregard of feeling as wasteful or bourgeois. He also perceives, with accompanying despair, that his son and the younger generation are determined "to stake the same precise claims in fields of doctrine with identical masks of vanity, complacency and ruthless competition among themselves for power. . . . What he could not endure was that . . . all of them would have to make the same journey he and his contemporaries had made, to learn lessons exactly as if they had never learned before. . . . Humanity was unable to gain from experience." There would be an endless cycle, culminating in vituperation, schisms and defeat. Why, he asks himself in nightmares of frustration, could not this be the first generation to look at history, to absorb it, and transcend it? "Can our planet survive another repetition?" The author speaks from the heart and not the soapbox.

Living Poor with Style
by Ernest Callenbach

(Bantam; $1.95)

As you may have noticed, Christmas is coming. If you object to the Xmas racket, yet want to maintain some kind of contact with a teenage kid on the threshold of flight, or with one which has already flown (provided you have said kidperson's address), here is a gift you may give with a buoyant heart and a clear conscience. A sort of benign version of Abbie Hoffman's *Steal This Book*, Ernest Callenbach's thick little handbook to survival in the '70s is the biggest favor you can stuff into a stocking or an envelope, a heavy packet of good, honest advice, lightly given. Thoreau would have liked this book, and it has the shrewd worldliness of Ben Franklin on every page. What the Kiplinger publication, *Changing Times*, is to the aging middle class, *Living Poor with Style* should be to their grandchildren, a *vade mecum* for those carrying on urban partisan warfare with the American commercial system.

Divided into convenient, categorical chapters (and well-indexed), under such headings as "Eating," "Getting Around," "Dwelling," "Learning How," "Getting Money," Callenbach's book obviously represents a wealth of personal knowledge and research, but for the most of us it is largely conventional wisdom. Many of us have already been grad students, young writers, starveling painters, junior editors, copywriters; in short, we have already made the poverty trip. Now in our 40s, we know, for example, that Chinese food is cheap and nutritious and that the best things in life have hidden costs built in. But our kids may not, and will resent and ignore any attempt we may make to pass on our rich store of worldly knowledge. Hence the value of this book, which has the Boy Scout Symbol of Straight Arrow Books on its title page, and is guaranteed to fly straight to the cupidinous core of your average offsprung's idealistic heart.

Like so much underground literature, *Living Poor* is nothing more or less than the reverse image of middle-class materialism. From *Robinson Crusoe* to *The Whole Earth Catalogue*, survival manuals have peddled material comfort under the guise of spartan living, and Thoreau toasting his chestnuts in a cabin is the same essential animal as Emerson toasting his bunions in a parlor. What is *The Whole Earth* but a wild version of the *Sears Roebuck Catalogue*. Revolution? Horsefeathers!

Ayisha
by Helen Noga

(Arbor House; $6.50)

In *The New Leader* recently (Nov. 13) Pearl Bell observed that very few American-born Jewish writers exhibit much curiosity about their ancestral past in Europe. The remark is provocative, leading one to speculate about other writers, American-born *non*-Jews and their commitments to the ancestrals over yonder. At hand is a wild instance, a wholly sentimental piece of restoration by an American-born Armenian, leading one to think of Saroyan and imagine that the Armenians have a monopoly.

But Helen Noga is not Saroyan. She is not a professional; the writing of the book was, as the blurb says, "the realization of a life-long dream." Nor is she, like Saroyan, one with a feel for the foibles, odd affections and habits of the tribe. No, Mrs. Noga is all high romance and no fooling; but she *is* Armenian, and also Californian (she has been a jazz club operator in San Francisco),

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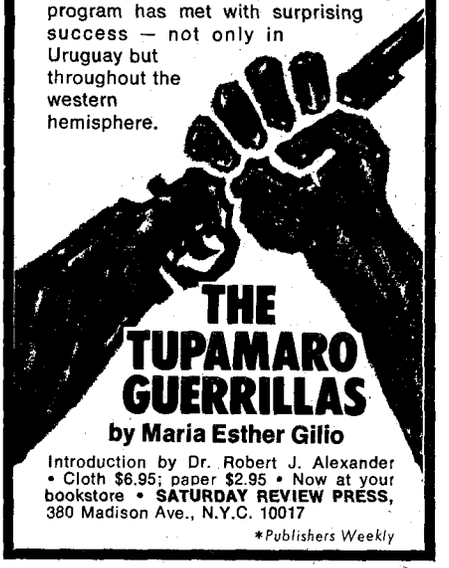
The facts behind the front-page stories

Banned in Uruguay by a repressive government, this "crisply professional . . . vividly human"* book provides the first complete picture of the Tupamaro guerrillas' National Liberation Movement. It features interviews with the people of Uruguay and the Tupamaros themselves — a group of young, articulate, highly educated Marxists whose daring revolutionary program has met with surprising success — not only in Uruguay but throughout the western hemisphere.



THE TUPAMARO GUERRILLAS
by Maria Esther Gilio

Introduction by Dr. Robert J. Alexander • Cloth $6.95; paper $2.95 • Now at your bookstore • **SATURDAY REVIEW PRESS,** 380 Madison Ave., N.Y.C. 10017

*Publishers Weekly

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and full of old-country lore. What is interesting about *Ayisha* is the extraordinary filter the past had to go through to fit Mrs. Noga's notions of a novel, Hollywood notions of action, character and speech. Sample of a fateful parting:

> Iskandar threw his arms around his friend, his eyes brimming with tears. But Ohannes could not weep. "We shall meet again," he said to Iskandar. "One day . . ."

The book comes highly praised (Joseph Heller: "Incredible . . . warm," Bruce Jay Friedman: "This is the real McCoy"), but the praise seems misplaced. The book might better be entitled *How California Transforms—If One Is Not Saroyan—the Old Country.*

Learning from Las Vegas by Robert Venturi, Denise Scott Brown & Steven Izenour

(MIT Press; $25)

This book is subtitled *A Significance for A&P Parking Lots.* The Yale students who contributed to the study of Las Vegas called it "the great proletarian cultural locomotive." Both titles suggest its grandly iconoclastic nature, which is to be expected coming as it does from two of the true image breakers of modern architecture, Robert Venturi and his wife Denise Scott Brown, in collaboration with Steven Izenour. They have chosen America's gaudiest architecture (That's architecture? That's Venturi!), the dazzling neon signs of the Vegas strip, as a jumping-off point for a study of the banal, the ugly, the ordinary. They oppose the functionlessness of modern architecture, just as they oppose design which tries to be something different from what it really is. For example, they compare their design for a housing project for the elderly to a high-rise elderly home by Paul Rudolph. Where the Venturis are not ashamed to splash a block-lettered sign across the front of their building to identify it (GUILD HOUSE), Rudolph tries to hide what he's up to behind a screen of cantilevered terraces that run up and down the rough-sculpted building (the appearance of the landings has given rise to a nickname for Rudolph's structure: New Havenites refer to it as the "Bathtub Building"). And the authors find honesty, if not charm, in a duck store on Long Island in the shape of—what else?—a duck. Crazy? Yes. Venturis'? Naturally.

A word about the book as book: Someone at MIT deserves a pat on the back for the excellent handling of graphics and design, which has become a hallmark of the MIT Press. The book is so handsome that, even if you are only casually interested in architecture, you'll want it for your coffee table. But leave space for the Venturis' next book, a study of banal residential architecture. Its probable title: *Learning from Levittown.*

Reconsideration

Jack Kerouac

A change of fashion has left Jack Kerouac's work inert and his legend inactive; nevertheless, any reasonable investigation shows that we would do wrong to abandon him. I've just finished such a search, mounted in a style the author ("My work comprises one vast book . . .") might have applauded: eight books in half as many evenings, midnight readings stoked by scotch and coffee with the hi-fi leaking "old god Shearing" and the bebop of a brighter day. The books in the order I read them were *The Dharma Bums, The Subterraneans, Satori in Paris, On The Road, Lonesome Traveler, Desolation Angels, Dr. Sax,* and the *Book of Dreams;* all the heavies, but leaving out God knows what: the *known* books like *Maggie Cassady, Tristessa, Big Sur* . . . the mysterious books like *Visions of Cody, Visions of Gerard, Wake Up, Scriptures of Golden Eternity* and so forth, volumes which never existed save in MS or broadsheet or somebody's galleys—though McGraw-Hill promises *Visions of Cody* in January of the coming year; and it is in the nature of Kerouac's work for me to be able to suggest that this piece might serve as a review of that book, as yet unborn.

The above conditions, of course, belong to that moment of Kerouac's life when he could not write a shopping list without being badgered by somebody eager to publish it. Malcolm Cowley helped by naming him the next certified superstud of American letters, and Truman Capote drew laughs with the "Laugh-In" line, "That's not writing, that's typewriting." But, fact is, I have an eerie feeling that Kerouac is not much read anymore. The kids who are his natural audience are now lost in pipe dreams or bizarre political pursuits; their coffee-table authors are Hesse and Vonnegut, better writers but hardly less fey than Kerouac himself, and far more damaging—for the last thing Kerouac ever was was a fantasist. Dark recorder of the details of his daily life, he makes demands on the patience of his readers as wearying and ego-mad as Ernest Hemingway's; but every 50 pages you get an odd reward, some perfect phrase or virtuoso sentence, a tiny Buddhist gift to carry away from the reading like the Diamondcutter of Mercy. For the word on which, see *Dharma Bums.*

That was the first book I saw before undertaking this reconsideration. Oddly—for, like you, I hadn't read Kerouac in years—I came on it by chance in a little bookstore I discovered in the middle of the desert. Nothing else in sight but a Shell station, with vultures wheeling low above, waiting for it to die. *The Dharma Bums* was sandwiched in the middle of a sad small Kerouac kit, with John Montgomery's pamphlet (written to prove himself a better mountaineer than Jack) on one side, and somebody's beatnik cookbook on the other.

Now I was low that day. (Reading Kerouac and writing about him prompts a confessional tone that seems not only permissible, but appropriate.) My "lovelife" was fine, but my "worklife" becalmed—two Kerouac words for his two worlds. Whatever I was reading seemed stained with irony and chic. Taos was barren, the desert a suffocation. Hippies abounded, their brains in their saddlebags. Chicanos made dull menace. Outside my own front door, I could find few folk to speak to without sagging. So when I pulled the book from the shelf and read the first line for the first time in 15 years, I snapped

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it up like a Bandaid, eager to be taken in the time machine:

> Hopping a freight out of Los Angeles at high noon one day in late September 1955 I got on a gondola and lay down with my duffle bag under my head and my knees crossed and contemplated the clouds as we rolled north. . . .

The finest, the all-American freedom. With its essential terror gone unnoticed.

Granted, consolation is not the highest use of literature. But there are few enough authors of any healing power, and as I dug deeper into the food-like sweetness of the book, I freshly remembered Kerouac's special grace—which is, at his best, to shower mindful tenderness on the crummy specifics of the day-to-day. It's a grace given nowhere more freely than in this book, where the writer's later bleaker vision ("Why else should we live but to discuss . . . the horror and terror of all this life . . .") is crowded off the page by animal enjoyment. The uniform celebration of food, sex, art and exercise that is the core of the book suggests the intellectual sensuality that was the core of the Beat esthetic: poems and women, both to be made.

Well. *Dharma Bums* put a new polish on my day. And welcome was the subsequent suggestion that a longer look at Kerouac would be welcome in these pages.

Kerouac crept up on his Beat Generation spokesman role by way of a traditional first novel, *The Town and the City* (1950), in which a few prototypal "hipsters" figured toward the end, but which was in essence a pretty standard product—wolfish, disorderly, long and populous, "well-written," unlikely to trigger a literary revolution. (In the end, nothing Kerouac ever wrote triggered a literary revolution, though he was one of many midwives to some other student stirrings in the land.) Just how he came upon the method of rapid writing that was to dazzle or bewilder so many readers seven years later is a tale that has as many versions as tellers. Kerouac himself credits the change to Neal Cassady—hero of *On The Road* and later aide-de-camp to Ken Kesey—who through the early '50s was writing the author endless free-form letters of his life, evidently leading Kerouac to speculate that the distance between a novel and a manic highspeed conversation could profitably be called a slim one.

In any case, all his writing after his first novel exemplifies the principles laid down in an essay, "The Essentials of Spontaneous Prose," which saw light in the classic "San Francisco Renaissance" issue of *Evergreen Review*. Not having it in hand, I'll quote Seymour Krim's Kerouac-quoting summary from his fulsome introduction to *Desolation Angels*. This is worth giving in some detail, because it gives one of the measures against which Kerouac's work can most fairly be tested. The essentials—

> . . . were this: Kerouac would "sketch from memory a definite image-object" more or less as a painter would work on a still-life; (it) necessitated an "undisturbed flow from the mind of idea-words" comparable to a jazz soloist blowing freely . . . there would be no "selectivity" of expression but instead the free association of the mind into "limitless seas" of thought . . . the writing was to be done "without consciousness," . . . allowing the unconscious to admit in uninhibited and therefore "necessarily modern language" what overly conscious art would normally censor.

How dated the plan, how limiting its assumptions. Kerouac all but loses the writer in the analogy to painter and musician. No selectivity? The imagination itself selects; and censors. And is the merely uninhibited necessarily "modern"? And is modernity itself either issue or virtue? But discounting even all this, the noteworthy note here is that Kerouac, by subscribing to so strict a program, had made himself into the one thing he professed himself to be at war with: an academic from the start. Another novelist might discover his materials and methods painfully from book to book, but Kerouac came with a design that only genius could save from formula, and I think we will see that that salvation was not forthcoming. For what the author did was write the same book eight, 10, a dozen times, and in the end his "spontaneous prose" was shuffled from volume to volume in a most unspontaneous manner. Take these examples from *Lonesome Traveler* and *Desolation Angels*:

> One morning I found bear stool and signs of where the monster had taken a can of frozen milk and squeezed it in his paws and bit it with one sharp tooth trying to suck out the paste.—In the foggy dawn I looked down the mysterious Ridge of Starvation with its fog-lost firs and its hills humping into invisibility, and the wind blowing the fog by like a faint blizzard and I realized that somewhere in the fog stalked the bear.

And:

> One morning I find bear stool and signs of where the unseen monster had taken cans of frozen hardened can-milk and squeezed it in his apocalyptical paws and bit with one insane sharp tooth in, trying to suck out the sour paste—Never seen, and in the foggy dusk I sit and look down the mysterious Ridge of Starvation with its fog-lost firs and humping-into-invisibility hills, and the fog-wind blowing by like a faint blizzard, and somewhere in that Zen Mystery Fog stalks the Bear . . . .

There's nothing wrong with repetition of themes and sources, the greatest writers do little else, but this is selling the same goods twice. Nor is there much here to substantiate Kerouac's claim that his effort was similar in kind to Proust's: "My work comprises one vast book like Proust's except that my rememberances are written on the run instead of afterwards in a sickbed . . . ." The claim seems to have come as an afterthought anyway, touched off by the spectre of a stack of books peopled by the same five characters with 15 different names. But he really had no need to make it; in the tang of the prose itself, there is sufficient originality to earn him a modest honorable place in his period's pantheon. The truth is that he was a good, trapped writer. He had found a lazy man's way to work (the grail we're all secretly searching and fighting off) and enshrined it into a method. *The Subterraneans*, for one, couldn't be fluff because it was essential spontaneous prose. "Wrote *The Subterraneans* in three days!" the author howls. Simenon could say no more.

Of the subterraneans themselves, Kerouac, taking 30 seconds of those three days, said, "They are hip without being slick, they are intellectual without being corny, they are intelligent as hell

---

NOTES ON CONTRIBUTORS

RUSSELL WARREN HOWE *is the author of a two-volume history,* Black Africa. *Poet* PETER MEINKE *teaches humanities at Eckerd College.* CRAWFORD WOODS *freelances from El Prado, NM.*

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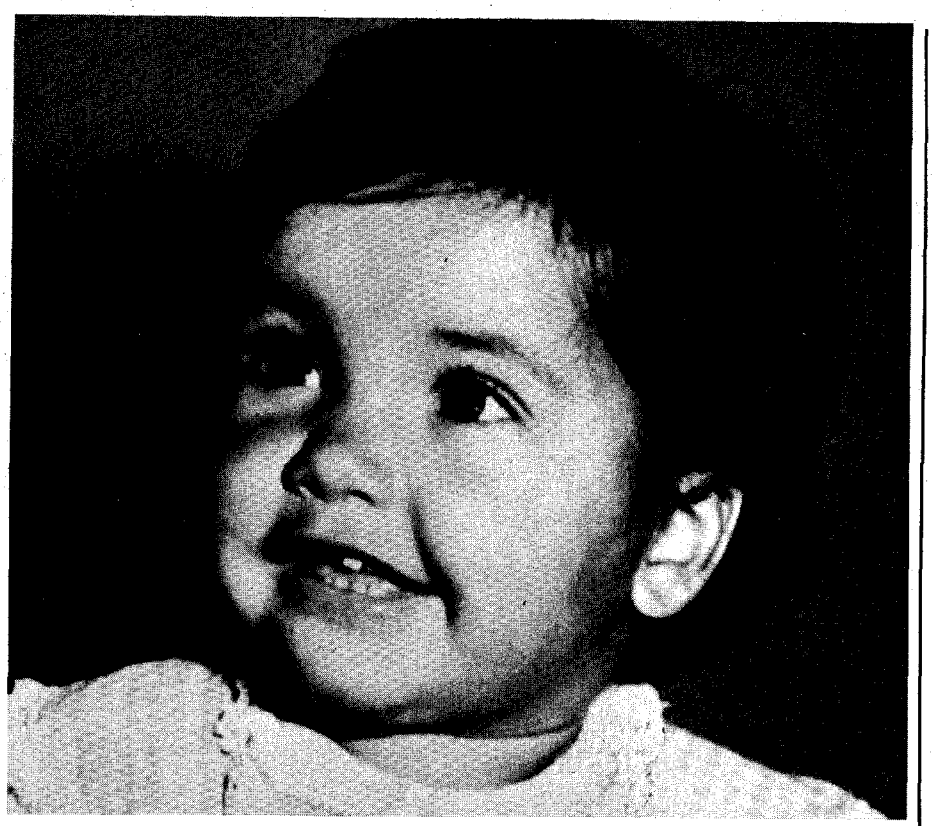

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and know all about Pound . . . they are very quiet, they are very Christlike." A good media prince, he was being at once normative and descriptive, telling the generation he had named how they were expected to behave. This wasn't arrogance. It was fundamental to the wide loop of his work that his writing help create the people he would write about. In that staked and surveyed area, he was often markedly successful: his pictures of himself and his beat buddies are always convincing and sometimes even wise. But in the larger scene of real life necessarily trapped in the net of his travels, he could be dangerous and embarrassing. No sympathetic woman appears in the Kerouac canon. Blacks are spoken of in tomming terms that caused James Baldwin to remark he wouldn't like to be in Kerouac's shoes should the author ever read such nonsense from the stage of the Apollo theater. Homosexuals are figures of fun. ("Are you a fag?" one character persists in *The Subterraneans*, "You talk like a fag." And in *On The Road*, a man pulls a gun to guard himself against a men's room browser.) All this protective contempt is put in service of what amounts to a machismo vision no less virulent than, again, Hemingway's. (Unless I'm unfairly viewing a '50s culture with a '70s shocktrooped eye—for it's easy enough to pick these nits at this distance, and I have an echo of Kerouac's sweeter voice greasing over each flaw, murmuring, "Ah well man, and what's it all for anyway?")

All right. What *is* it all for?

Travel we know to be the governing metaphor: nothing here, nothing there, everything to be found along the line between. The same wisdom is shared with the wailing saxophone, the chanting poet, and the speeding car: GO! Again, at our remove, it's easy to cite the weakness in this carny view of life. In worldwide non-world wars, we've had quite enough of local color to last us all our days. The idea that literature is to be found in an undifferentiated record of aimless travel was lynched by *Easy Rider* if not before. And the jazz-wine-poem-pot-and-hiballing fast freight exuberances of *Road* and *Bums* is just, 15 years later, the source of a sad and knowing smile.

But Kerouac knew it first. "Why else should we live but to discuss—at least—the horror and terror of all this life. God how old we get and some of us go mad and everything changes viciously . . . . A peaceful sorrow at home is the best I'll ever be able to offer the world in

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the end."

We draw closer to his darker voice.

In a famous passage of *On The Road*, the author gives the fundamental qualities of his heroes: "The only people for me are the mad ones, the ones mad to live, mad to talk, mad to be saved, desirous of everything at the same time, the ones who never yawn or say a commonplace thing."

Yet the commonplace is his incessant subject, for there are few things more predictable or ordinary than an accredited Bohemia. Which is not to say unwelcome. It's all too easy to forget the television pallor of those days, the ticky-tacky of Vance Packard houses and the lulling bloodbeat of the Cold War dance. Litbiz was a fair index, one's work was squeezed through the little magazines or the schools, unripeness was all. If Kerouac and his friends hoped to blow the whistle on all this, they must have been disappointed; the world they raged against was more than big enough to bury them with praise. Only Ginsberg has survived, made the harrowing transition from bard to guru. One suspects his old friend Jack might have had more trouble moving from Beat to hip to hippie—the word itself is evocative, a sneering diminutive of "hip," as though the harder stance of the street-fighting bop-creeps of the author's own milieu has had its burners damped down to the listless love and mindless good vibrations of today. Counter-culture. Counter *what*?

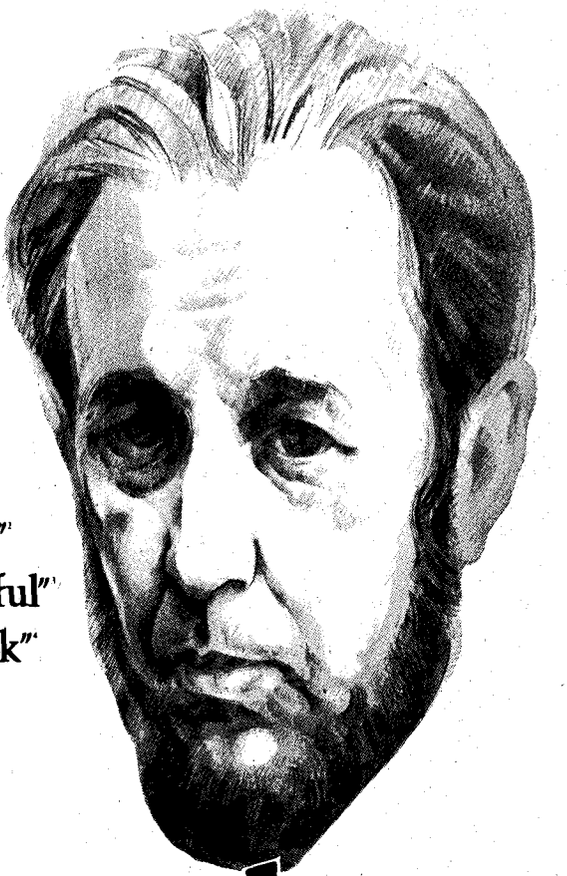
It would be an interesting task for another time to determine whether hippie is the fulfillment or betrayal of Beat.

Some of this Jack's sleeping self predicted. One of his strangest publications is the *Book of Dreams*, which is peddled as the substrata of his fictions, but which in fact suggests a whole new line of thought, far more political. The recurrent theme is of "a big strange war broken out in America," with its companions of perversion (one dream derails Nabokov), A-bomb, and finally apocalypse (see *Dr. Sax*). "Writing dreams," the writer reminds himself, "take note of the way the dreaming mind creates." This is indeed a Proustian task, but there is nothing in his work to suggest that he successfully solves it.

And yet there is much to show that when he was able to divorce himself from his self-anointed spokesman role and lose touch for a page or two with his slick computer program, he could be a clear, knowing writer. His good will and sweet ambition shine in many places, his anecdotal gift is sure. If *The Dharma Bums* is the only whole survivor in his collection (and I think it is: a well-tuned book with a catapult's motion), there are passages in almost all the others that lift from their drossy beds by natural art. These slabs are as potent as some hunks of Thomas Wolfe, to whom Kerouac has all along correctly been compared. Consider: both men were intuitive language-spewing beasts who left no heirs. (What careful writer would mimic that madness grace alone can save?)

Kerouac, I think, had more humor by far. Wolfe was never able to glory in jazz, for all his roaring-boy nationalism, and all of life had to him to be a mountain range of blackest tragedy. Kerouac is playful—the mark of the adult. He giggles, fawns on nature, joys in cheap food, takes true pleasure in tiny things. That is why when the sorrow begins to pour into his later work we grow uneasy. There is some awful secret we can't count on him to withhold—

Beyond that, he is the kind of unanonymous writer to whom some of us have a specific special debt. For me, it was nothing less than this: that having gotten himself through, he got me through, prep school. Flunking this or



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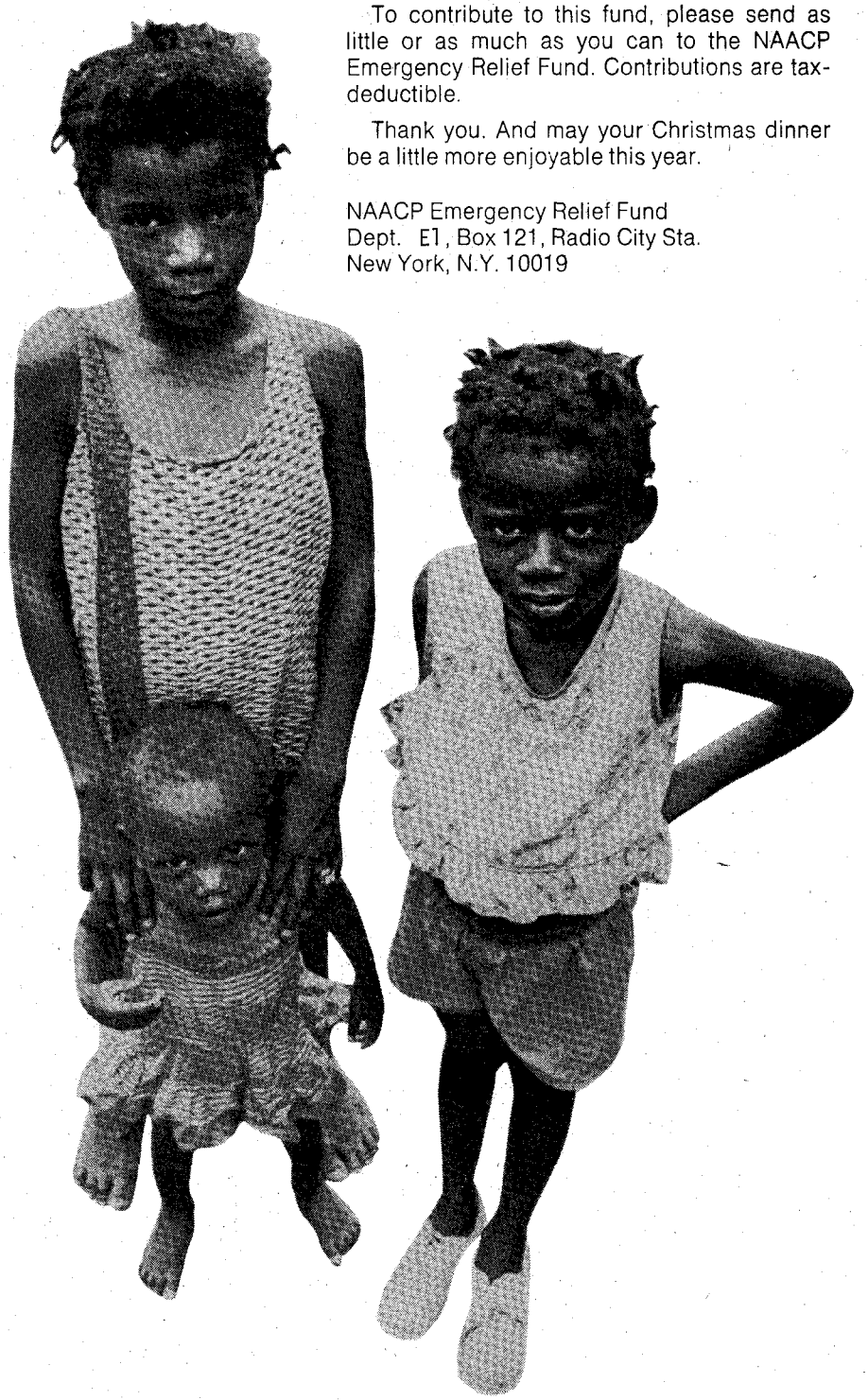

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that and hopeless (unlike poor "Ti Jean") on the football field, I would find myself in the headmaster's office from time to time being solemnly told that it was time to close the carnival, to buckle down and hit the books—not, God forbid, for learning's sake—so I could get into that good college and get that good job and get that good country club. Sure. I would slip a Kerouac novel from my bookbag on the schoolbus home, and be assured the head was full of shit.

And Jack was right.

"Wrote *The Subterraneans* in three days," he somewhere exults, "wrote *On The Road* in three weeks!"

Who, now, would be unloving churl enough to say: it shows.

Crawford Woods

Correspondence

Justice Rehnquist

Sirs:

The New Republic's comment on the controversy over Mr. Justice Rehnquist's participation in *Laird v. Tatum* ("Burger and Rehnquist," Nov. 4) departs seriously from the facts as we put them forward in our motion to disqualify the justice from the case.

The central issue in any case of asserted bias against a judge must turn on the historical facts which indicate the degree to which the judge has committed himself to a fixed view on the facts of a particular case. You dismiss our case against Justice Rehnquist by stating that it consisted only of one comment on the facts involved in *Laird v. Tatum*, in the course of testimony before a Senate committee looking into Army surveillance practices. The fact is that, as is clearly set out in our motion, the evidence is much more extensive.

As assistant attorney general, Justice Rehnquist appeared twice as a witness in hearings before the subcommittee on constitutional rights of the Senate Committee on the Judiciary to testify about the surveillance practices of the United States Army, and other agencies of government.

Repeatedly during his testimony in the Senate hearings on March 9 and March 17, 1971, he stated in response to questions from members of the subcommittee that he did not agree that "there are any serious constitutional

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problems with respect to collecting data on or keeping under surveillance persons who are merely exercising their rights of peaceful assembly or petition to redress a grievance." The witness' testimony was by no means confined to such general statements; the concrete factual setting which he chose to discuss was the surveillance of civilians by the United States Army as depicted in the pleadings and the District Court decision in *Laird v. Tatum*, the very lawsuit in which we sought disqualification. Not only did Justice Rehnquist display a special and intimate knowledge of facts concerning the case based upon his possession of documentary evidence which has never been made available to the plaintiffs in *Tatum*, but he also testified in considerable detail, in response to a question by Senator Ervin, why in his view the case was not justiciable:

> *Mr. Rehnquist:* Well, to say that I say they can do it sounds either like I am advocating they do it or that Congress has authorized it, none of which propositions do I agree with. My point of disagreement with you is to say whether as in the case of *Tatum v. Laird* that has been pending in the Court of Appeals here in the District of Columbia that an action will lie by private citizens to enjoin the gathering of information by the executive branch where there has been no threat of compulsory process and no pending action against any of those individuals on the part of the Government.

Nor did Assistant Attorney General Rehnquist confine his comments on Army surveillance and the justiciability of *Laird v. Tatum* to his oral testimony before the Ervin subcommittee. He also appeared in other public forums to express his views about these subjects. On March 19, 1971, for example, he delivered a speech to the National Conference of Law Reviews in Williamsburg, Virginia, in which he stated that "no legitimate interest of any segment of our population would be served by permitting individuals or groups of individuals to prevent by judicial action, the government's gathering of information. . . . I have previously stated my belief that the First Amendment does not prohibit even foolish and unauthorized information gathering by the government." The assistant attorney general made similar comments on the justiciability of court challenges to governmental surveillance at meetings of the Maricopa County, Arizona Bar Association on March 15, 1971, and the American Bar Association on July 15, 1971.

Finally, on September 20, 1971, Assistant Attorney General Rehnquist submitted to the Ervin subcommittee a memorandum of law in response to a request by Senator Hruska for an interpretation of Supreme Court cases cited by a previous witness to support the proposition that Army surveillance activities are unconstitutional. The Rehnquist memorandum not only presented the argument that Army surveillance was not unconstitutional under any case decided by the Supreme Court, but also offered the following comment on the allegations made by the plaintiffs in *Tatum*:

> Recent experience seems to establish that, even if the strongest allegations concerning Army data-gathering are assumed to be true, there has been no interruption in "uninhibited, robust, and wide open" debate on major controversial issues. (*New York Times Co. v. Sullivan*, 376 U. S. 254, 270 [1964].) Both the Veterans' demonstration and the later May Day demonstration seem to substantiate that. If anything, the now-terminated data-gathering functions of the Army seem to have stimulated rather than curtailed debate. . . . Indeed, it may be that repeated assertions of such government information gathering activity do more to inculcate paranoia in the general populace than the actual gathering of information itself.

In the Senate hearings on his nomination as an associate justice of the Supreme Court, Assistant Attorney General Rehnquist was questioned on several occasions about his prior public statements and testimony concerning Army surveillance. In each instance the nominee responded either by reaffirming his view that such surveillance is not unconstitutional, or by indicating that it would be improper for him to comment on issues in which he had been involved as assistant attorney general because of his "lawyer-client relationship" with the President and the attorney general. At the time of these confirmation hearings the petition for certiorari in *Laird v. Tatum* was pending in the Supreme Court.

On those facts, it will not do to conclude that Justice Rehnquist would have had to "lean over backwards" to dis-

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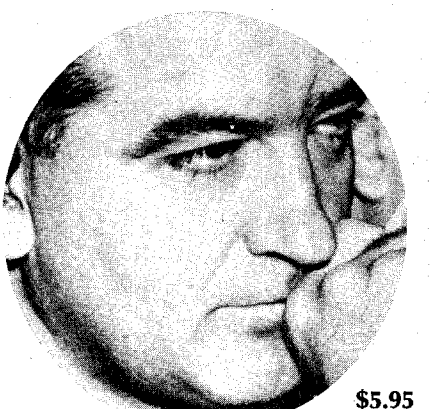

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qualify himself. We persist in our view that his prejudgment of the case was unambiguous and that Justice Rehnquist's refusal to disqualify himself is a threat to the integrity of judicial decision-making.

Melvin L. Wulf
John H. F. Shattuck
American Civil Liberties Union

In reply:

Messrs. Wulf and Shattuck apparently agree that a justice's known prior position on the legal issue raised by a case need not disqualify him. Justice Rehnquist's statements indicate, in our judgment, no more than a position on the legal issue which *Laird v. Tatum* illustrated. Justice Rehnquist has denied that he had "intimate knowledge" of the facts of the case, and there is no evidence that he did. What is most important, he had no share of the responsibility for conducting the case.

The Editors

Kidvid

Sirs:

I finished reading your article on Children's TV, then went into the room where my children were watching "Sesame Street." I caught only the last fifteen minutes. In that time, I heard the following words and expressions:

Yucckk
Yuckky
Lousy
Rotten
Stupid
What's it to ya?
Get outta here!
Get outta my way!

It may be argued that this objectionable language was incorporated in little skits and stories which teach the kids something: how to count, how the letter "D" sounds, why people ought to keep their places in line; but I think there must be a better way.

I'm a lazy mother and I let my children watch "Sesame Street" so that I can have some time to myself. Were I conscientious, I would have banned their seeing it after my son, one day in the supermarket replied "Yucckk!" to a woman who asked him how old he was. My son doesn't have all the social graces, but he wouldn't have learned that one (at the age of 3½) at home, or

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even from his peers . . .

My son has recently discovered the existence of "Ultra-Man" and "Speed Racer," with hard-selling toy commercials liberally sprinkled. Aside from the fact that he expresses a wish-to-have at every commercial, I have noticed no bad side-effects. Monsters, swindlers, blackmailers, bridge-bombers: these things are too fantastic for preschoolers to incorporate into their daily lives (except in play, if then), whereas "Stupid," "Lousy" and "what's it to ya?" are distressingly easy for a child to assimilate into his everyday behavior.

Why can't we have Children's TV with no commercials *and* no insolent language?

Jane Caden
Vienna, Va.

Kauffmann, *from page 20*

as we follow them from the dead center of behavior into the wildly eccentric. I suppose that finally this new film isn't quite as good as *The Milky Way* simply because the subject matter isn't as rich as the history of Catholicism and its heresies; still it's a delight.

Why (Hallmark). This is the kind of quiet surprise we used to get from Italy in the '50s and early '60s, films like Comencini's *Bread, Love, and Dreams* and *Everybody Go Home*—"program" pictures which turned out to have unexpected substance. *Why*, directed by Nanni Loy and starring Alberto Sordi, starts like one of those pleasant fictions about the fictitious Italy that we all love. An Italian engineer with a Swedish wife and two kids returns from Sweden, where he works, to his homeland for his first vacation in six years. As he drives out of France to the border station at Aosta, his heart leaps in song and our hearts leap with him. Alps, sunshine, Italian music—it's all there. Then, with a bow, an Italian customs guard arrests him, the police drag him off without an explanation or a word to his family waiting in the car, and a horror story begins, deepening as it goes.

Sordi learns, much later, that, during his absence, a viaduct on which he had worked had collapsed and a German tourist had been killed. The state needed a scapegoat and had issued a warrant for him on his return. *Very* much later, the charge is dismissed. In the interim Sordi is pulled down below the surface of smiling, song-filled Italy into lower and lower depths of petty officialdom, disregard of individual rights, insolence, torment, and, nearly, homosexual gang-rape. Near the end he is a shivering, wide-eyed shock case, strapped with restrainers to a hospital bed.

At last Sordi is released, a severely damaged man. The arbitrariness of the "happy" ending is right, because it matches the arbitrary beginning. That's exactly the point of the screenplay by Sergio Amidei and Emilio Sanna: the whim that hangs over an individual's head. Always below the beguiling landscape is the pit of power, greed, ego, and stupidity. The state shoots first and asks questions afterward. The beautiful border station looks different when Sordi and his family leave, precisely because he, and we, fell into the Sunny Italy snare at the beginning.

The theme is not exclusively Italian—to what country would it *not* apply?—but the locus is Italy, and Sordi is perfectly Italian. The authors and director do not make him a Noble Soul. The moment he gets in trouble, he gets slightly hysterical, nervously confident, compulsively obsequious, a transition that anyone who has lived in Italy has at some time observed. Sordi is not trying to be a hero in the abstract but the Italian average man in trouble. Under Loy's good hand, and with a very good supporting cast, he succeeds.

Book Note. MIT Press has just published *Dianying/Electric Shadows* by Jay Leyda (516 pp., $12.50), a history of the Chinese film by a preeminent scholar who worked in the Film Archive of China from 1959 to 1964. Thorough, learned, invaluable—and not just because it's the first on its subject in English. It includes a 45-page biographical dictionary of important film people (in-

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cluding a lady named Ting Ling), a 20-page list of important Chinese films (not one of which I've seen), and 40 pages of photographs (in addition to many drawings). Recommended strongly: but I'm obliged to note that the type design of the book is poor. It's set in small sans-serif type with unjustified lines (uneven margins at the right)—somebody's clever-clever, most unhelpful idea.

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CBS Children's Film Festival. Tjorven, Batsman and Moses; Adventure in Golden Bay; The Goalkeeper Also Lives on Our Street. Saturdays, Dec. 2 (12:30-2 pm); 9, 16 (1-2 pm).

Countdown to 2001. *Study of future space projects.* Monday, Dec. 4 (8-8:30 pm).

The Vandals. Investigation of widespread vandalism in America. Monday, Dec. 4 (8:30-9 pm).

A War of Children. Effects of conflict in Belfast. Tuesday, Dec. 5 (9:30-11 pm).

Apollo 17. Wednesday, Dec. 6.

ABC Afterschool Special. Santiago's Ark; William. Wednesdays, Dec. 6; Jan. 3 (4:30-5:30 pm).

Cortez and Montezuma: The Conquest of an Empire. Appointment With Destiny—Conquistador confronts the Aztec ruler. Wednesday, Dec. 6 (8-9 pm).

The Homecoming—A Christmas Story. Drama of backwoods family during the Depression. Friday, Dec. 8 (9-11 pm).

The Snow Goose. Moving drama of friendship between young girl and an artist. Tuesday, Dec. 12 (8-9 pm).

Once Upon A Mattress. Musical starring Carol Burnett. Tuesday, Dec. 12 (8:30-10 pm).

America. Making a Revolution; Inventing a Nation; Gone West; A Fireball in the Night. Tuesdays, Dec. 12, 26; Jan. 9, 23 (10-11 pm).

Portrait: The Woman I Love. Story of Duke and Duchess of Windsor starring Richard Chamberlain, Faye Dunaway. Sunday, Dec. 17 (9-10 pm).

Of Men and Women. Relationships between the sexes, based on works of well-known writers. Sunday, Dec. 17 (10-11 pm).

If You Give a Dance You Gotta Pay the Band. ABC Theatre—Contemporary story of ghetto youth. Tuesday, Dec. 19 (8:30-10 pm).

Health Care in America. An economic view. Tuesday, Dec. 19 (10-11 pm).

Man and Beast. Relationship of man to his pets. Friday, Dec. 22 (10-10:30 pm).

Whatever Happened to '72? Look at major news of the year. Thursday, Dec. 28 (8-9 pm).

Population: Boom or Doom. Population growth and the American future. Thursday, Dec. 28 (10-11 pm).

Holiday Shows. Santa Claus is Coming to Town, Fri., Dec. 1 (8-9 pm); The House Without a Christmas Tree, Sun., Dec. 3 (7:30-9 pm); Dr. Seuss' How the Grinch Stole Christmas, Mon., Dec. 4 (8-8:30 pm); Frosty the Snowman, Mon., Dec. 4 (8:30-9 pm); Rudolph the Red-Nosed Reindeer, Fri., Dec. 8 (8-9 pm); The Little Drummer Boy, Sun., Dec. 10 (7:30-8 pm); Bing Crosby's Christmas Show, Sun., Dec. 10 (8-9 pm); A Charlie Brown Christmas, Tues., Dec. 12 (8-8:30 pm); The Night the Animals Talked, Fri., Dec. 15 (8-8:30 pm); A Christmas Carol, Fri., Dec. 15 (8:30-9 pm).

JANUARY 1973

Much Ado About Nothing. N.Y. Shakespeare Festival production. Thursday, Jan. 4 (8-11 pm).

In Search of Ancient Astronauts. Program probes theory of visitors from space. Friday, Jan. 5 (10-11 pm).

Marlene Dietrich. One-woman show. Saturday, Jan. 13 (10-11 pm).

The Voyage of the Yes. Two youths sail to Hawaii. Sunday, Jan. 14 (7:30-9 pm).

The Forbidden City. Report includes first film from China's Ming tombs. Tuesday, Jan. 16 (10-11 pm).

Cole Porter in Paris. Perry Como hosts salute to Porter. Wednesday, Jan. 17 (10-11 pm).

Strange Creatures of the Night. National Geographic study of night animals. Wednesday, Jan. 17 (8-9 pm).

The Inauguration. Saturday, Jan. 20.

The Incredible Flight of the Snow Goose. Study of annual migration. Tuesday, Jan. 23 (8-9 pm).

The Wild Dogs. Jane Goodall and the World of Animal Behavior. Thursday, Jan. 25 (8-9 pm).

REGULARLY SCHEDULED PROGRAMS

Monday through Friday: Sunrise Semester/The Today Show/Captain Kangaroo/Watch Your Child/Sesame Street/Mister Rogers' Neighborhood/Electric Company

Tuesday: NBC Reports/First Tuesday (monthly).

Wednesday: ABC After School Special (1st Wed. of each month).

Saturday: In the News/Multiplication Is/ABC Saturday Superstar Movie/Sealab 2020/Kid Power/Around the World in 80 Days/Fat Albert and the Cosby Kids/Talking With A Giant/CBS Children's Film Festival.

Sunday: In the News/Lamp Unto My Feet/Look Up And Live/Multiplication Is/Curiosity Shop/Camera Three/Make A Wish/Face the Nation/Meet the Press/Issues and Answers/60 Minutes/The Wonderful World of Disney.

Note: This is, necessarily, a partial listing. Time (NYT), titles and casts of these national programs are subject to change. Please consult your station listings; check also for noteworthy local programs.

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